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Table of Contents

WELCOME AND INTRODUCTIONS	17
MR. ACEVEDO	17
MR. COOK	17
MS. BUTTERFIELD	17
MS. SPOTTED BEAR	18
MS. JACKSON-DENNISON	18
MR. ANDERSON	18
MR. ACEVEDO	18
MS. OATMAN-WAKWAK	18
MR. MCCRACKEN	18
MR. PHELPS	18
MS. THOMAS	18
MS. JOHN	18
MR. RAY	18
MS. LEONARD	18
MR. YUDIN	18
 NACIE PUBLIC MEETING SESSION I, DAY I	 19
MR. YU	34
MR. ACEVEDO	35
MS. THOMAS	35
MR. YU	35
MS. THOMAS	36
MR. YU	36
MR. YUDIN	36
MR. ACEVEDO	37
MS. JACKSON-DENNISON	37
MR. YU	37
MR. YUDIN	37
MR. MCCRACKEN	38
MR. YU	38
MR. PHELPS	38
MR. ACEVEDO	38
MR. ANDERSON	38
MR. YUDIN	39
MR. ACEVEDO	39
MR. YU	39
MR. ACEVEDO	42
MR. MOORE	43

MR. DRAPEAUX	45
MR. MOORE	45
MR. ACEVEDO	47
MR. MCCrackEN	47
MR. MOORE	47
MR. COOK	48
MR. MOORE	48
MS. BUTTERFIELD.....	48
MR. ACEVEDO	49
MR. RAY.....	49
MR. MOORE	49
MR. ACEVEDO	50
MS. OATMAN-WAKWAK	50
MR. MOORE	50
MS. THOMAS.....	50
MS. THOMAS.....	51
MR. MOORE	51
MR. ACEVEDO	51
MS. JACKSON-DENNISON.....	51
MS. JACKSON-DENNISON.....	52
MR. MOORE	52
MR. ACEVEDO	52
MR. ANDERSON	52
MR. ACEVEDO	52
MS. SPOTTED BEAR	52
MR. ACEVEDO	53
MS. JOHN	53
MS. BUTTERFIELD.....	53
MS. SPOTTED BEAR	53
MR. ACEVEDO	54
MS. BUTTERFIELD.....	54
MR. MOORE	54
MR. YUDIN	55
MR. ACEVEDO	55
MR. MICHAEL ZAWADA	55
MR. ACEVEDO	57
MR. MICHAEL ZAWADA	57
MR. ACEVEDO	59
MS. BUTTERFIELD.....	59
MR. MICHAEL ZAWADA	60
MS. BUTTERFIELD.....	60
MR. ACEVEDO	60

MS. LEONARD.....	60
MR. ACEVEDO	61
MR. YUDIN	61
MS. BUTTERFIELD.....	61
MS. OATMAN-WAKWAK.....	61
MR. MICHAEL ZAWADA	61
MS. OATMAN-WAKWAK	62
MS. LEONARD.....	62
MR. ACEVEDO	62
MR. COOK	62
MR. YUDIN	63
MS. LEONARD.....	63
MR. ACEVEDO	64
MS. JACKSON-DENNISON.....	64
MR. ACEVEDO	65
MS. BUTTERFIELD.....	65
MS. JACKSON-DENNISON.....	65
MS. THOMAS.....	65
MS. JACKSON-DENNISON.....	66
MS. OATMAN-WAKWAK	66
MS. THOMAS.....	66
MS. BUTTERFIELD.....	66
MR. YUDIN	67
MR. ACEVEDO	67
MR. MARTINEZ.....	67
MR. ACEVEDO	73
MS. LEONARD.....	73
NACIE PUBLIC MEETING SESSION II, DAY I.....	73
MR. ROSE	73
MR. ACEVEDO	73
MR. COOK	74
MR. ROSE	74
MR. COOK	75
MR. ROSE	75
MR. ACEVEDO	76
MS. BUTTERFIELD.....	76
MR. ROSE	76
MS. JACKSON-DENNISON.....	76
MR. ROSE	77
MS. JACKSON-DENNISON.....	77
MR. ACEVEDO	77

MR. YUDIN	77
MR. ROSE	78
MR. COOK	78
MS. JACKSON-DENNISON.....	78
MS. BUTTERFIELD.....	78
MR. ROSE	78
MS. THOMAS.....	79
MS. JACKSON-DENNISON.....	79
MR. ACEVEDO	79
COUNCIL MEMBERS.....	79
MR. ACEVEDO	79
MR. ROSE	80
MS. JACKSON-DENNISON.....	80
MR. ROSE	80
MS. JACKSON-DENNISON.....	81
MR. YUDIN	81
MS. OATMAN-WAKWAK.....	81
MR. ROSE	82
MR. ACEVEDO	82
MS. BUTTERFIELD.....	82
MR. GARCIA.....	82
MS. OATMAN-WAKWAK.....	82
MR. ACEVEDO	82
COUNCIL MEMBERS.....	83
MS. BUTTERFIELD.....	83
MR. MARTINEZ.....	83
MS. THOMAS.....	83
MR. MARTINEZ.....	84
MS. THOMAS.....	84
MR. YUDIN	84
MR. ACEVEDO	85
MS. SPOTTED BEAR.....	85
COUNCIL MEMBERS.....	85
MR. GARCIA.....	85
MR. ACEVEDO	93
MS. BUTTERFIELD.....	93
MR. GARCIA.....	93
MS. BUTTERFIELD.....	94
MR. GARCIA.....	94
MR. ACEVEDO	94
MS. SPOTTED BEAR.....	94
MS. THOMAS.....	94

MS. THOMAS.....	94
MR. GARCIA.....	95
MR. ACEVEDO	95
MR. ACEVEDO	95
MS. THOMAS.....	96
MS. SPOTTED BEAR.....	96
COUNCIL MEMBERS.....	96
MS. LEONARD.....	96
MR. YUDIN	96
MR. ACEVEDO	96
MR. COOK	97
MR. GARCIA.....	97
MR. MENDOZA.....	97
MR. COOK	97
MR. ACEVEDO	98
MR. MENDOZA.....	98
MR. ACEVEDO	100
MR. COOK	100
MR. MENDOZA.....	100
MR. ACEVEDO	101
MS. LEONARD.....	101
MS. BUTTERFIELD.....	101
MR. ACEVEDO	101
MS. BUTTERFIELD.....	101
MS. ROBINSON.....	102
MR. LOTT.....	102
MS. ROBINSON.....	109
MR. ACEVEDO	110
MS. ROBINSON.....	110
MR. COOK	110
MR. ACEVEDO	110
MS. JACKSON-DENNISON.....	111
MS. ROBINSON.....	111
MR. PHELPS.....	111
MR. YUDIN	111
MR. PHELPS.....	111
MS. ROBINSON.....	112
MR. YUDIN	112
MR. PHELPS.....	112
MS. ROBINSON.....	112
MS. ROBINSON.....	113
MS. ROBINSON.....	113

MR. PHELPS.....	113
MR. ACEVEDO	114
MS. OATMAN-WAKWAK	114
MS. JACKSON-DENNISON.....	114
MR. ACEVEDO	114
MS. ROBINSON.....	114
MR. WEXLER.....	115
MR. WEXLER.....	116
MR. ACEVEDO	116
MR. ACEVEDO	118
MR. WEXLER.....	118
MR. ACEVEDO	121
MR. ACEVEDO	122
MR. COOK	122
MR. WEXLER.....	122
MR. WEXLER.....	122
MR. COOK	122
MR. ACEVEDO	123
MS. BUTTERFIELD.....	123
MS. BUTTERFIELD.....	123
MR. WEXLER.....	124
MR. YUDIN	124
MR. ACEVEDO	124
MS. OATMAN-WAKWAK	124
MR. WEXLER.....	124
MS. OATMAN-WAKWAK	125
MR. YUDIN	125
MR. ACEVEDO	125
MS. JOHN	125
MR. WEXLER.....	126
MR. YUDIN	126
MR. PHELPS.....	126
MR. WEXLER.....	126
MR. PHELPS.....	126
MR. YUDIN	126
MR. ACEVEDO	127
MS. JACKSON-DENNISON.....	127
MR. ACEVEDO	127
MR. WEXLER.....	128
MR. PHELPS.....	128
MS. LEONARD.....	128
MS. MARSHALL	128

MR. ACEVEDO	128
MR. HITCHCOCK	134
MS. MARSHALL	134
MR. ACEVEDO	134
MS. OATMAN-WAKWAK	134
MS. MARSHALL	134
MS. OATMAN-WAKWAK	134
MR. HITCHCOCK	135
MR. ACEVEDO	135
MS. SPOTTED BEAR	135
MS. MARSHALL	135
MS. LEONARD	135
MR. ACEVEDO	136
MS. WALTER	136
MR. ACEVEDO	140
MS. BUTTERFIELD	141
MS. WALTER	141
MS. WALTER	141
MS. BUTTERFIELD	141
MR. ACEVEDO	142
MS. THOMAS	142
MS. WALTER	142
MS. THOMAS	142
MR. ACEVEDO	143
MS. JOHN	143
MS. WALTER	143
MR. ACEVEDO	144
MS. THOMAS	145
MS. LEONARD	145
MR. ACEVEDO	145
MS. BUTTERFIELD	145
MS. OATMAN-WAKWAK	145
MR. ACEVEDO	145
MS. THOMAS	146
MS. WALTER	146
COUNCIL MEMBERS	146
MR. ACEVEDO	146
MS. THOMAS	147
MS. LEONARD	147
MS. LEONARD	147
MR. ACEVEDO	147
MR. YUDIN	148

MS. BUTTERFIELD.....	148
MR. YUDIN	148
MR. ACEVEDO	148
MR. MCCRACKEN	149
MR. MCCRACKEN	149
MR. ACEVEDO	150
MS. THOMAS.....	150
MS. LEONARD.....	150
NACIE PUBLIC MEETING SESSION III, DAY II	150
MS. LEONARD.....	151
MR. ACEVEDO	151
MR. ANDERSON	151
DR. RAY	151
MR. ACEVEDO	151
DR. JOHN	151
MS. THOMAS.....	152
MR. PHELPS.....	152
MR. MCCRACKEN	152
MS. OATMAN-WAK WAK	152
MR. ANDERSON	152
DR. JACKSON-DENNISON	152
MS. SPOTTED BEAR	152
MR. COOK	152
MR. ACEVEDO	152
MS. LEONARD.....	152
MR. ACEVEDO	152
MS. LEONARD.....	152
MR. MCCRACKEN	153
SECRETARY DUNCAN.....	153
MR. MCCRACKEN	155
SECRETARY DUNCAN.....	155
MS. THOMAS.....	156
SECRETARY DUNCAN.....	156
MR. COOK	156
SECRETARY DUNCAN.....	156
DR. JACKSON-DENNISON	157
MR. ANDERSON	157
DR. RAY	157
MR. PHELPS.....	158
SECRETARY DUNCAN.....	158
MR. OATMAN-WAK WAK.....	158

SECRETARY DUNCAN.....	159
MS. SPOTTED BEAR.....	159
DR. JOHN.....	159
SECRETARY DUNCAN.....	160
MR. ACEVEDO.....	160
MS. TEE HEE.....	160
MR. ACEVEDO.....	161
MS. OATMAN-WAK WAK.....	161
MS. TEE HEE.....	162
MS. THOMAS.....	162
MR. ACEVEDO.....	162
DR. RAY.....	162
DR. JOHN.....	163
MS. TEE HEE.....	163
MR. MCCracken.....	163
MS. TEE HEE.....	164
MR. ANDERSON.....	164
DR. JACKSON-DENNISON.....	164
MS. TEE HEE.....	165
MR. COOK.....	166
MS. TEE HEE.....	166
MR. ACEVEDO.....	167
DR. CARR.....	167
MR. ACEVEDO.....	172
MR. COOK.....	172
DR. CARR.....	172
MS. OATMAN-WAK WAK.....	173
MR. PHELPS.....	173
MR. PHELPS.....	174
DR. CARR.....	174
MR. ACEVEDO.....	174
DR. JOHN.....	174
MS. LEONARD.....	175
DR. CARR.....	175
DR. RAY.....	175
MR. ACEVEDO.....	175
DR. CARR.....	175
MS. OATMAN-WAK WAK.....	176
MR. ACEVEDO.....	176
MS. SHAUGHNESSY.....	176
MR. ACEVEDO.....	182
MS. OATMAN-WAK WAK.....	182

MS. SHAUGHNESSY	183
MS. LEONARD.....	183
MS. OATMAN-WAK WAK	184
MS. SHAUGHNESSY	184
MR. ACEVEDO	184
MR. YUDIN	184
MR. ACEVEDO	185
MR. YUDIN	185
MS. THOMAS.....	188
MR. YUDIN	188
MR. PHELPS.....	188
MR. YUDIN	189
MS. LEONARD.....	189
MR. PHELPS.....	189
DR. JACKSON-DENNISON	189
MR. YUDIN	190
DR. JACKSON-DENNISON	190
DR. JACKSON-DENNISON	191
MR. YUDIN	191
MR. PHELPS.....	191
MS. OAKMAN WAK-WAK.....	191
MS. THOMAS.....	191
MR. ACEVEDO	191
MS. THOMAS.....	194
MR. YUDIN	194
MR. COOK	195
MR. MCCracken	195
MR. YUDIN	196
MR. MCCracken	196
DR. JOHN	196
MR. YUDIN	197
MR. ACEVEDO	197
NACIE PUBLIC COMMENTS	197
MR. ROMAN NOSE	198
MR. ACEVEDO	198
MR. MASTEN	199
DR. SLY	201
MR. ACEVEDO	202
DR. SLY	202
MR. ROMAN NOSE	202
MR. ACEVEDO	203

MR. PHELPS.....	203
MR. ROMAN NOSE.....	203
MR. PHELPS.....	204
MR. ROMAN NOSE.....	204
MR. COOK.....	204
MR. PHELPS.....	205
MR. ROMAN NOSE.....	205
MS. LEONARD.....	205
MR. PHELPS.....	206
MS. LEONARD.....	206
MR. PHELPS.....	207
MS. LEONARD.....	207
MR. MASTEN.....	207
MR. ACEVEDO.....	208
DR. JACKSON-DENNISON.....	208
MR. MASTEN.....	208
DR. JOHN.....	209
MR. ROMAN NOSE.....	209
MR. ACEVEDO.....	210
MS. OATMAN-WAK WAK.....	210
MR. ROMAN NOSE.....	210
DR. SLY.....	211
MR. ACEVEDO.....	211
MR. COOK.....	211
MR. ACEVEDO.....	212
NACIE WORKING SESSION.....	212
MS. AKINS.....	212
MS. AKINS.....	213
MR. ACEVEDO.....	213
MS. LEONARD.....	213
MR. YUDIN.....	213
MR. PHELPS.....	213
MS. OATMAN-WAK WAK.....	213
MS. SPOTTED BEAR.....	213
DR. RAY.....	214
MS. LEONARD.....	214
MR. ACEVEDO.....	214
MS. AKINS.....	214
MS. OATMAN-WAK WAK.....	214
MS. OATMAN-WAK WAK.....	215
MS. AKINS.....	215

DR. RAY	215
DR. RAY	216
MS. AKINS.....	216
MR. ACEVEDO	216
MR. COOK	216
MR. YUDIN	217
MS. AKINS.....	217
MR. ACEVEDO	217
MR. COOK	217
DR. JACKSON-DENNISON	217
MR. ACEVEDO	218
DR. JACKSON-DENNISON	218
MR. PHELPS.....	218
MS. LEONARD.....	219
MR. PHELPS.....	219
MR. YUDIN	219
DR. JOHN.....	219
MS. LEONARD.....	219
MS. OATMAN-WAK WAK	219
MR. YUDIN	220
MR. COOK	220
MS. LEONARD.....	220
MR. MCCracken	220
MR. ACEVEDO	220
DR. JOHN	220
DR. JACKSON-DENNISON	221
MS. OATMAN-WAK WAK	221
MS. LEONARD.....	221
MR. COOK	221
MR. YUDIN	222
MS. AKINS.....	222
DR. RAY	223
MS. AKINS.....	223
DR. JOHN	223
MS. AKINS.....	224
MR. ACEVEDO	224
DR. JACKSON-DENNISON	224
MR. COOK	224
MR. MCCracken	224
MR. ANDERSON	225
MS. OATMAN-WAK WAK	225
MS. AKINS.....	225

MR. ACEVEDO	226
MS. OATMAN-WAK WAK	226
MS. AKINS.....	226
MR. ACEVEDO	226
MR. ANDERSON	226
MR. COOK	226
MS. SPOTTED BEAR.....	227
MR. ACEVEDO	227
DR. JACKSON-DENNISON	227
MR. YUDIN	228
MR. ACEVEDO	228
MR. OATMAN-WAK WAK.....	228
MR. YUDIN	229
MR. ACEVEDO	229
DR. JACKSON-DENNISON	229
MS. OATMAN-WAK WAK	230
MR. ACEVEDO	230
MR. COOK	230
MR. PHELPS.....	230
MS. SPOTTED BEAR.....	230
MR. MCCracken	230
MR. ACEVEDO	231
MS. OATMAN-WAK WAK	231
DR. RAY	231
DR. JOHN	232
MR. ACEVEDO	232
MS. LEONARD.....	232
DR. RAY	232
DR. JACKSON-DENNISON	232
MR. ACEVEDO	233
DR. RAY	233
MR. COOK	233
MR. ANDERSON	234
MR. YUDIN	234
MS. OATMAN-WAK WAK	234
MR. ACEVEDO	234
DR. RAY	234
MS. SPOTTED BEAR.....	235
MS. SPOTTED BEAR.....	235
DR. JACKSON-DENNISON	235
DR. RAY	235
DR. JACKSON-DENNISON	236

MR. YUDIN	236
MS. OATMAN-WAK WAK	236
DR. JACKSON-DENNISON	237
MS. LEONARD.....	237
DR. RAY	237
MR. ACEVEDO	237
MS. SPOTTED BEAR.....	237
MS. SPOTTED BEAR.....	238
MR. ACEVEDO	238
MR. COOK	238
MR. MCCRACKEN	238
MR. YUDIN	239
MR. MCCRACKEN	239
MR. COOK	239
MR. MCCRACKEN	240
MR. YUDIN	240
MR. COOK	240
DR. JACKSON-DENNISON	241
DR. RAY	241
MR. ACEVEDO	241
MR. YUDIN	241
MR. COOK	241
MS. OATMAN-WAK WAK	241
DR. JOHN.....	242
MR. COOK	242
MR. ACEVEDO	242
MR. PHELPS.....	242
MS. OATMAN-WAK WAK	242
MR. YUDIN	242
DR. RAY	242
MR. COOK	243
MS. OATMAN-WAK WAK	243
MR. ACEVEDO	243
MS. THOMAS.....	243
DR. RAY	244
MS. THOMAS.....	244
MR. ACEVEDO	244
DR. JOHN.....	244
MS. OATMAN-WAK WAK	244
MR. PHELPS.....	244
MS. OATMAN-WAK WAK	245
MR. ACEVEDO	245

MS. THOMAS.....	245
MR. COOK	246
MS. THOMAS.....	246
MS. OATMAN-WAK WAK	246
MR. ACEVEDO	246
DR. JACKSON-DENNISON	247
MR. COOK	247
MR. ANDERSON	247
MR. ACEVEDO	247
MS. SPOTTED BEAR	248
MS. OATMAN-WAK WAK	248
MR. COOK	248
MR. ACEVEDO	248
MS. SPOTTED BEAR	248
MS. OATMAN-WAK WAK	248
MR. ACEVEDO	249
MR. COOK	249
MS. AKINS.....	249
CERTIFICATE OF REPORTER.....	251
CERTIFICATE OF REPORTER.....	252

WELCOME AND INTRODUCTIONS

MR. ACEVEDO: We would like to call the National Advisory Council on Indian Education together for Monday, April 18. We've got a forum present. I would like to open an opening prayer and then go around and have each member council be recognized as being in attendance. And with that, Robert?

MR. COOK: I'd just like to welcome everybody once again to the Washington, D.C., and this National Advisory Council on Indian Education. I'm thankful that everybody was able to arrive here safe. I'd just like to offer up a prayer at this time. Thank you for this time and this opportunity to be here at this meeting. Thank you for this holy service and thank you for the support that we have received from our loved ones, our community, our friends and family. We ask that you watch over and guide us as we begin these meetings that we'll be able to work together on behalf of our children, our Native children and our schools and community.

Dekasha, help us to have a good sense of humor, be able to work hard, be able to have guidance in the spirit to be able to move proactively to address a number of different issues and concerns in order for our children to have access to an excellent education, to constantly pray for our families and our loved ones, pray for our schools back home and our children, our staff, our teachers, our principals, our school board and all our leaders, our parents. We pray for the children at this time as we're getting ready to wrap up the school year, that we'll be able to provide enough resources and the tools necessary for the students to be successful and have good conscience. Dekasha, we ask that you help us to make the right decisions, and we also pray for those who are less fortunate. Watch over and protect those. Also send us a special prayer for those communities who are out there who had disasters from earthquakes and from tornadoes and from all the different things that are happening and watch and protect over them. Help them to be safe information to be peaceful and moving in the right direction. Dekasha, once again, we're thankful for all we have. We pray that once we get done with our meetings that we'll be able to ride back. These things we say in the (non-English words).

MR. ACEVEDO: Thank you, Robert. I'm going to go around and have each one of you be recognized as being here in attendance. Remember to shut off your microphone after each time to reduce the feedback problem. Robin?

MS. BUTTERFIELD: Good morning. I'm Ms. Butterfield: I'm a Hocha in Okanabe. I work here in D.C. with the National Education Association. I'm also currently serving as the Vice President of the National Indian Education Association.

MR. COOK: My name is Robert Cook. I'm from the Oglala Sioux Tribe in South Dakota. I also work as the National Managing Director for the Teach for America's Native Achievement Initiative and I'm honored to be here today.

MS. SPOTTED BEAR: (Non-English words.) My name is Alyce Spotted Bear. I'm a member of the Mandan, Hidatsa, and Arikara Nation in North Dakota, for the Indian reservation and vice president of Native American Studies and Tribal Relations at the Fort Berthold Community College.

MS. JACKSON-DENNISON: (Non-English words.) Good morning, everyone. I'm Deborah Jackson-Dennison. I'm Diné Navajo from Arizona, and I'm a school superintendent for the Window Rock Unified School District, and I'm glad to be on the Council, thank you.

MR. ANDERSON: Good morning, my name's Greg Anderson. I'm the school superintendent of Muscogee Nation School District.

MR. ACEVEDO: Good morning, Tom Acevedo, member of Salish & Kootenai Tribes. My reservation is in Montana, CEO for their education technologies company. I also have been serving as your chair. Good morning.

MS. OATMAN-WAKWAK: (Inaudible).

MR. MCCracken: I'm Sam McCracken. I'm a rogue member of the Sioux Tribe on the Ft. Peck Reservation in Montana, and my day job is I'm the founder and general manager of the Nike N7 program. Welcome.

MR. PHELPS: Good morning. My name is Stacy Phelps. I'm a member of the Sisseton Wahpeton Oyate Tribe from South Dakota, and I worked on several Indian projects out there with the park, community schools.

MS. THOMAS: My name is Virginia Thomas. I'm a member of the Muskogee Nation. I'm the program manager for the JOM program for my Nation, and the President of the National JOM association.

MS. JOHN: (Non-English words.) My name is Theresa John, Associate Professor with Department of Alaska Native and Rural Development.

MR. RAY: Good morning. My name's Alan Ray, citizen of the Cherokee Nation and member of the Advisory Board, Cherokee Nation Emerging Schools and president of Elmhurst College in Illinois.

MR. ACEVEDO: Thank you, all. Jenelle and Mike, please?

MS. LEONARD: Good morning, Jenelle Leonard, designated federal official.

MR. YUDIN: Good morning, I'm Michael Yudin. I'm the Deputy Assistant Secretary for Elementary and Secondary Education.

MR. ACEVEDO: Thank you, all, for being here. I'm going to resist my normal lawyer willingness to speak, and just pass, because we have a very tight agenda, and we're already into our 9:40 start time. If we could have the Continued Education Agency update presented to us at this time?

(Pause)

NACIE PUBLIC MEETING SESSION I, DAY I

MS. LEONARD: We say welcome everybody. Welcome. Welcome. Welcome.

You don't know what a pleasure it is to finally see you here. A lot of work goes into pulling these meetings together, as you know. That as you deal with your personal itinerary of this kind of getting. Your schedules stray. Being able to set aside two days to come and give your full attention to the business of council. So I know how much it takes individually for you. And logistically for us to pull this together. We're just so happy that you all had safe travels. That you're going to be with us for two days. And I just want to know -- I just want you to know that, whatever we can do to make things work for you. To make things comfortable for you -- just don't hesitate. And if it's within our power, we certainly will do that.

We wanted to bring you together. I know that I'm kind of off script here because I haven't done any introductions. Happen to have a new council member here. Dr. John. I haven't done that, but I just kind of got up and started talking. But, anyway, I'll just back up and, I know we need to do introductions. This part of the session for the next -- we're will try to break at 9:15 because the meeting -- the council meeting opens publically at 9:30. We want to give you all 15 minutes to kind of get yourselves together and get ready for the public meeting. But for this hour, we wanted to just kind of take care of administrative chores. We wanted to -- do some reminders for you, as well as answering any questions before -- and kind of get things out in the open before we go public if there are some items that we need to talk about before we go public.

MR. LEONARD: Before we open, Mr. Chairman, if it's okay, could we ask Robert to open a pray for us?

MS. LEONARD: Yes. Yes. And we had --

MR. ACEVEDO: We just talked about that.

MS. LEONARD: We talked about that, too, for the public meeting. We also wanted a prayer. And so, I don't know if you want to do it both places, but we said we wanted to have a pray for the public meeting, as well.

MR. ACEVEDO: What's the wish of the council?

MS. LEONARD: What's the wish of the council.

MR. ACEVEDO: The public part. Both.

MR. COOK: We could smudge this morning.

MS. LEONARD: Okay.

MR. COOK: Hopefully, we won't set off the smoke detector here. I'm real happy to be here. From -- I almost didn't come. I got kind of funky stuff going on with my ears. All plugged up, but it's okay. Sometimes you gotta warrior up. Just jump on and get out of the way. But it's a real honor to be here and to be a part of this service. I'm glad everybody was able to travel here safe. And I wanted to just recognize our board members who weren't able to be here today because of different extenuating circumstances. And also to keep Wayne Newell in our prayer. Wayne's not feeling too well, and I wanted to say a special prayer for him.

But most importantly, just to remember our work that we're doing on behalf of children. In Lakota we say wakayaja. That's what our word is for children. It means our sacred ones. Wakan is something's that's real sacred. Old and mysterious. And those are the things that -- that's why we're here is working on behalf of our children and our community, our students, our parents, our elders, and all of those who are less fortunate than us. And I want to just -- I know we all know that, but it's always good to have that always in your hearts and minds.

Whenever we have a meeting kind of out of protocol, where, as we say our prayer and we also smudge in a smudge. We'll invite the good spirits into our meeting. And also it will keep the bad feelings that sometimes come up because we become so passionate about the issues. We want to make sure that we stay proactive and moving forward what we need to do. So, if it's okay, I'll take this, and as the incense comes up, just -- you don't have to if you don't want to. If you don't do that, that's okay.

(Opening words in Lakota)

Thank you for this day. Thank you for this opportunity to be here. Thank you for having us be able to come and travel to this meeting. Bless our families and our loved ones back home. Protect and watch over our communities, our loved ones, our elders, and our children. Tunkasila, we ask that you help us at this meeting. I hope they will feel needed in a good way that we'll be to work together and convey the -- the strength of our communities into the decisions and guidance that we're here all to do. Tunkasila, we pray for those who are less fortunate. Watch over our children at this time of the year. Watch over our kids who are preparing for prom before they head in to school. Watch over and protect them to make the decisions. Pray for our parents. Help them. Also our grandparents, our elders. Our school staff and teachers. Administrators. School board. Tunkasila, at this time, we also want to say a prayer for our soldiers who are overseas. Watch and protect them and help them come back safely. Pray for those people who are having a hard time in Japan and also the folks who are devastated by the storms and tornados. We say a special prayer for their communities. Watch over and help them. Tunkasila, once again, we're thankful for all that we have, and we ask that you continue to bless and to guide us in all that we seek to change and do. (non-English words)

MS. LEONARD: Thanks, Robert, for our blessing. And with that, I'm going to go ahead and just go ahead -- I'm going to do introductions. Anyone (inaudible) 7:49:38 I'll especially note. And that is that the assistant secretary is going to speak to us at 8:30. And so we have a number of items to get out of the way. As well we have Michelle Miles (ph) here. You know her from emailing back and forth. And so

she's come to share a couple of things with you that we still need in order to complete the paperwork. As well we have Brandon here who has some acoustic matters that he wants to share with you before we get started. And then with that, I'm going to sit down. We'll do introductions first. And then Karen, you'll address your items. And we'll get Michelle and Brandon. If that's okay.

MR. YUDIN: Good morning, everyone. It's nice to see you all again. Welcome. I'm Michael Yudin. I'm the deputy assistant secretary of elementary and secondary education.

MS. AKINS: Good morning, again. I'm Karen Akins; I'm committee management officer for the department, and I'm so glad to see you all here. Thanks for coming.

MS. LEONARD: And I'm Jenelle Leonard; I'm the acting director for Indian Ed, and the designated federal official for the NACIE council.

MR. COOK: I just want to state my name's Robert Cook. I'm from South Dakota. Pine Ridge. Oglala Sioux Tribe. (inaudible) with my wife and two kids. I'm the -- I worked as the national managing director for Teach for America, the Native Achievement Initiative. It's good to be here.

MS. SPOTTED BEAR: (first spoke non-English words) My name is Alyce Spotted Bear. I'm from the Fort Berthold Indian Reservation, and I'm the vice president of Native American studies and tribal relations for the Fort Berthold Community College. And I'm also glad that I'm able to be here.

MR. ANDERSON: Good morning. My name is Greg Anderson. I'm superintendent of Eufaula Dormitory in Muscogee Creek Nation of Oklahoma.

MR. ACEVEDO: Good morning. I have the pleasure -- Thomas Acevedo -- serving as your chair. I'm the CEO for S&K Technologies for my tribe, the Confederated Salish and Kootenai in Montana. And I also sit on the board for our college, SKC.

MS. OATMAN-WAKWAK: (non-English words) I'm Mary Jane Oatman-Wakwak. I'm a member of the Nez Perce of Idaho, and I work for the State Department of Education.

MR. MCCracken: (non-English words) My name is Sam McCracken. I am a member of the Assiniboine/Sioux Tribe of the Fort Peck Reservation in the great town of Missoula, Montana. I'm currently the general manager and founder of the program called Nike N7. And I'm honored and pleasure to be here today and share my thoughts. Thanks.

MS. PHELPS: My name is Stacey Phelps. I'm a member of the Sisseton Wahpeton Sioux Tribe from South Dakota. And I work with the South Dakota GEAR Program.

MS. THOMAS: I'm Virginia Thomas. The meek and mild. And I think everyone knows me. I'm on the Muscogee Nation. I'm the JOM manager there. I'm also the president of the National Johnson O'Malley Association. And this is my turistas.

DR. JOHN: (non-English words) My Yup'ik name is Abugrah(ph). I'm from Nelson Island. Yup'ik -- I belong to the Yup'ik Society. I am an associate professor with the Department of Alaska Native Studies

and Rural Development. And I am honored to be here sitting with you at this time. Looking forward to getting to know you.

MR. RAY: (non-English words) My name is Alan Ray, and I'm a citizen of the Cherokee Nation of Oklahoma, where I'm on the tribe's immersion school advisory board. And currently I'm president of Elmhurst College in Illinois. I'm looking forward to learning and to offering my thoughts. Thank you.

MS. LEONARD: Dr. Melendez just walked in. And -- good morning Dr. Melendez. We have a place for you at the table. And since Dr. Melendez has come in, what we'll do is we will just go ahead and turn it - oh, we need a mic, as well.

AV TECH: (inaudible)

MS. LEONARD: Wherever she feels comfortable.

AV TECH: There's a hand-held mic.

MS. LEONARD: Brandon wants to make an announcement.

MR. BAYTON: Just so that everyone knows. The proceedings from today's event will be recorded, and a court reporter is available. Also, if you could speak actually into the mic or bring the mic a little closer to you, that will carry the audio system so that everyone can hear better.

MS. LEONARD: And another thing. On that note. This portion of the meeting isn't going to be recorded because it's not public as yet. But at 9:30, we'll go on record and the court reporter...

MS. AKINS: Some guidelines because, hopefully, as you all know at this point, especially some of you who have served on council before -- I guess that would really be Greg and Virginia. Subcommittees, per FACA, cannot make final recommendations. You can do your work -- you know, your activities and things like that. But the final decision to work with a subcommittee really needs to be brought back to the full council for discussion, deliberations, and if necessary, a vote. And so this is something I'm really -- I'm really, really excited this time around with the council because you're not just, you know, walking. You're talking the talk; walking the walk. You're actually doing things so that you're encouraging. But at the same time, we need to make sure that we follow the law.

One of the things that recently came out back in March. HR 1144 is a bill that was introduced in the House. And one of the things that the Hill is looking at is strengthening the language in FACA as related to subcommittees, where if -- I guess some of the violations, so to speak, continue with subcommittees -- continue what that bill seeks to do is to amend FACA, where subcommittees would actually have to announce their meetings. And everything you do would be -- would fall even further under FACA, where our regular advisory committee is the whole process of openness and transparency. This bill seeks to even trickle that down to subcommittees, and that could really stifle our work.

So I just encourage all of our committees to be proactive as best we can. Make sure that we do everything that's open. Make sure you include Jenelle, myself, Michael, whoever's available. We are

there to help you. Again, if you have a subcommittee meeting that you need to get some work done, just be sure that we tie you -- tie us in -- excuse me -- make sure we have the resources and things that you need.

One last thing I wanted to touch upon is, I understand -- oh, before I move forward. So Mr. Chairman, if you'd like, you and I can get together briefly before that. If anybody has any questions about the subcommittees, we can take questions on that.

MR. ACEVEDO: Let's do that.

MS. AKINS: Okay.

MR. ACEVEDO: Debbie can introduce herself.

MS. AKINS: Okay. I'm sorry. Yes please. Debbie, for the benefit of our new council member, could you introduce yourself? Sorry to catch you.

MS. JACKSON-DENNISON: Good morning. My apologies for being late. I thought I was early. It's such a different time change.

MS. AKINS: Yeah.

MS. JACKSON-DENNISON: I'm Deborah Jackson-Dennison. I'm from Arizona. Superintendent at Window Rock Unified School District. And welcome.

MS. AKINS: Thank you. Welcome. Glad you're here. Mr. Chairman. Do you have anything else?

MR. ACEVEDO: (inaudible)

MS. AKINS: Okay. I think Robin had a question.

MS. BUTTERFIELD: Yeah. It's been brought to my attention that if tribal council -- of the NACIE members -- got endorsements from their tribes that they could possibly be exempt from FACA due to federal trust relationships. Is that --

MS. AKINS: No. I did check that out at General Services Administration, the Committee Management Secretary, and that's not the case. We've had NACIE for years and years, and we have this issue come up before. And, unfortunately, we're not exempt. I can give you the feedback or language that I got exactly from our general counsel's office, who also worked with GSA. But, at this point, it all started because of what you do, even though you're a presidential advisory committee. I mean I think that's the crux of it because you are a presidential advisory committee, you're not exempt.

MS. BUTTERFIELD: Okay.

MS. AKINS: So I can make sure I can give that exact language and where they got that information from out to you all --

MS. BUTTERFIELD: Okay.

MS. AKINS: -- later today. But someone did send us that question. I think it was Mary Jane. Is that right? Yeah. So as soon as we got that, we checked on that. So, unfortunately, you're not exempt.

So I think that, again, I appreciate the fact to really -- I mean, subcommittees is a great way to get a lot of the work done behind the scenes. We're not having full meetings. And, quite frankly, as you all expressed, we don't get together that often. So you need that work, but at the same time, we just want to keep ourselves on paper and ensure that the council is being open and transparent just like our other ed advisory committees. And in terms of -- I understand we now have a subcommittee for bylaws. I think that's headed by Virginia. Is that right Virginia? So, again, we'll want to work with you on that. Typically, the department would take the lead on bylaws. But the council is definitely welcome. I think you're already well on your way. I actually even brought some examples of bylaws. Virginia, you're welcome to take a look at. But that's another committee that we'll need to make sure we ratify during the open session. And I'm not sure which track is taken on bylaws, but I'm sure Virginia knows this, that the bylaws are not meant to supersede your charter. They're actually for you to lay out your operational -- excuse me -- operational procedures. How you want things to go. And kind of just restates things that are already in your charter. So I just wanted to make a comment about that. And again, I have examples, Virginia, for you and all the council members. I made copies. So you just want to get an idea of what some bylaws that we already have in place look like. I think that's it. If anybody has any questions, I'm here for most of the day and most of the day tomorrow. Thank you.

MS. LEONARD: I just want to follow up on a couple of things. One, is that, normally OGC would be here. Our Office of General Counsel would be here today because they would take you through another ethics training. And very much like -- we in the department -- every year we have to go through ethics training. We have to sign that you've gone through ethics training. And today our general counsel is on leave this week. But our -- my understanding -- I didn't see this in the email because I was supposed to be copied, but she was going to send you all a packet. A primer. Did you get it?

MULTIPLE SPEAKERS: Yes.

MS. LEONARD: And you were supposed to sign it. I think there was an assurance attached to it that you were to sign and turn in. And then I'm supposed to give it to the general counsel. Like I said, I don't recall seeing it in my email. But, since I get about 300 a day, maybe I missed it. But I'll check and see. But I see some heads nodding that you did get it. And so that can be --

UNIDENTIFIED SPEAKER: Jenelle.

MS. LEONARD: Yes.

UNIDENTIFIED SPEAKER: That's it.

MS. LEONARD: Oh, that's it?

UNIDENTIFIED SPEAKER: It came with a certificate, didn't it?

UNIDENTIFIED SPEAKER: Yeah. It looks just like it.

MS. LEONARD: That you're supposed to sign. And then there was a little packet to go with it. Okay. The other thing, too, is that you know that I almost had a panic attack when we were getting ready to announce in the Federal Register of the public meetings, and the financial disclosure forms weren't signed. I think we're okay there. But I can tell you, the same rules apply. We have every February the 15th. We have to do our financial disclosures. So you can just kind of make a mental note that for as long as you stay on the council, that you too will have to do the financial disclosure. And, generally, they send a notice out come January -- come the new year. So if you can just kind of make a mental note that to watch for it. They'll send it out, and then you just -- if nothing changes, you just sign it and send it back in. But it does have to come in, and if you don't have it, then you're not allowed to attend the meeting.

The other thing that I wanted to mention is that, well before I go any further -- Michelle, are you still over there?

MS. MILES: Yeah.

MS. LEONARD: Okay. So let me tell you what we've been dealing with for -- oh I guess ever since you were here in November. Michelle is the person who does the personnel work. And you can send her a special government employee. And with that, there are a number of documents that need to be signed. And so Michelle is always nagging me, about nagging you, to get those documents in. And I think we've sent so much paperwork in and out the door, you're not even sure any more what isn't in. And so I called over and asked Michelle if she comes -- And it may be that, in general, you can tell them the kinds of things that you need. And individually, you can just speak to the members who you need to get more information from.

One of the things that we have a problem with is -- we -- when we travel you, you need to be in the system. And I don't understand all of the details that work in the background. But Michelle needs certain paperwork so that when Carrie is doing your travel, she can go in and just ticket you. The other thing is honorary. Some people want honorary; some people don't want honorary. And so for that paperwork, (inaudible) There's some paperwork that needs to be in. I'm probably wasting your time. Right? But, anyway, I just know that these things come up. Then asking Michelle (inaudible). Let's get in touch with this person and that person. But, anyway, let me introduce Michelle Miles (ph) to you. She's the person who works in the assistant secretary's office, and she's the one who is responsible for all the paperwork. (inaudible)

MS. MILES: Actually, I do not need to see everyone. I just need to see -- All Right. So the only persons I have to see would be McCracken, Newell, and Wakwak. (inaudible)

MS. LEONARD: You did say you want to see them altogether. It's embarrassing. Okay. So. Okay. Michael wants to (inaudible)

MR. YUDIN: Yeah. I just want to take a moment and -- the woman sitting over there is Laura Manis (ph). She's a relatively new member of our staff in OGC. She's a special assistant to the assistant secretary. So I just wanted to take a moment and let you all meet her. (inaudible)

MS. LEONARD: So in terms of housekeeping chores. Okay. We have a couple of minutes, and I just wanted to give -- maybe three or four minutes -- notes that I want to call to your attention. As we keep saying, this is a very full agenda.

So I think the one thing that you can say is that I do listen. So you can all send me emails. I'm listening when you're saying this is what you want. I'm listening. And I try to make an effort. And so some of you said -- I know a lot of you spoke very loudly in emails. A bunch of you said, we need -- and she and I talked too, a couple of times. We need to have people who represent (inaudible) to the department come before the council and share information.

And I think Robin's point was that, in order for you all to do effectively and well, the business that you have to do, that that you're charged to do, you need to be informed. And so a couple of ways to try and do that.

Certainly, Sam brought all of the notebooks and all of the paper that we provided last time on program. And this time we have notebooks, and we have people who are going to come and present programs, and you'll be getting packets of that information. So you'll have an opportunity to hear a number of people.

And the way I think what happened was, after we averted a shutdown -- cause I know you got that Friday evening frantic call that said, if the government should shut down, you can't talk to each other. You can't talk to the contractors. You can't talk to me. Trust me, at 4:00, I got all these to-do's. And I said to Deborah and to Virginia, I can't -- I can't call anybody before I leave. But I just need the network to work. You know the phone tree. The network to work to get that information to you. And we put everything on hold. But -- until -- even your travel -- we said, we're not going to make travel plans until the 11th when we come back.

And let me just tell you what an amazing week it was. When I had talked to people and told them that NACIE and perhaps their presentation -- because we weren't sure we were going to be here. You know nobody really made any plans. And that Monday, I said to Michael, I'd walk the department. I went to everybody. And I had this eye-to-eye contact to say NACIE is on, and this is what I'm asking you to do. And it is so amazing how people respond because they were willing. I mean they were wanting to. And so it was, okay, what time; how much time do I have; what do I need to get together. And it came together.

And Friday when we were in Dr. Melendez's office, right after we finished our 6:00 meeting, I said, it is so amazing how people respond. And so I even got a call last night of somebody who's presenting today who said, I just want to make sure you're on and I have the right information.

So -- so people are here for you, and people are here to share information for you. I say that -- two things -- since we're not public right now -- two things. When you ask people to share information, often times they come sharing information they share with everybody. Okay. So I thought the information to be irrelevant to what you need to do your work. And so I'm gonna ask the council, once I get the information to field a question, to try and connect the dots. Because you have the experts here who represent those programs. And so this may be irrelevant to you; may be irrelevant for the work that you do. And really don't push to get some answers. Pushing might not be the correct word. You got me, right? So, anyway, just make it meaningful, you know, because we're going to be doing this all day.

They're going to be rotating in and out. And we have a corner of the world, so they'll be able to -- so they can each have this panoramic view and talk to you, the council. So the thing that I would say to the chairperson is that, we asked them to do 30 minutes. And we said 15 minutes for presentation and 15 minutes for question and answer. But it's your call. If you want to, you know, if the question you need to ask from that person goes over (inaudible) you're your -- it's the council meeting because after 9:15, I won't be the boss. The meeting turns over to the chairperson. And so it's your meeting. Some people have an hour presentation, and it's not needed for an hour long, then it's your call to, you know, (inaudible) the way that you want to.

The other thing is that I wanted to tell you is that, sometimes when you are asking questions, because its proprietary information -- it hasn't gone to the public yet -- I can't share that information with you. So it may seem like I'm not giving you the exact answer.

One thing that came up was about the professional development program. And, to the extent that I can share information with you, the thing of it is, is that there's a plan for a federal -- public Federal Register notice to go out. And we couldn't get -- I couldn't give you information before the public has the information. So some of the information will be shared and the others can't. And we'll tell you when there's proprietary information that can't be shared because it hasn't been shared with the public yet. So you can't share information that you haven't shared with the public.

Sometimes (inaudible) One of the things that we're planning for is, on May 18th, and I sent you all an email to say, to look at your schedules, and to let us know if May 18th from 2 to 4, we need a quorum -- eight is a quorum -- and so we can have a closed meeting because we want to share some propriety (inaudible) information. I think it was called initiative. Mike is the lawyer here, so (inaudible) And we really thought we could share in a public meeting, but again, OGC said no, it was proprietary information, so we had to pull it from the agenda. And so they did tell us that we could share it in a closed meeting and, but we do have to do a Federal Register notice for it. So Karen and I will be multi-tasking because we have to get -- if we can get eight members on the call, on the 18th, then we can move to put a Federal Register notice out. And you now for a public meetings, it has to be 15 days. A 15-day announcement. Okay. So -- so we're planning on that.

Let's see. I'm just trying to see if there's any other information that I need to share with you. Michael, do you have anything you want to share before we go public?

MR. YUDIN: No. I don't need to.

MS. AKINS: I just want to say one thing Jenelle. That was a great run down about the closed meeting on the 18th. Then there was the other reason is because once we provide materials to members of the NACIE council, FACA kicks in. So whatever materials are shared with council members, and a public individual wanted to review those materials, then we would have to share with them. So that is also key with the May 18th meeting. But, again, like Jenelle said, once we have that closed session, the folks from that office can give you the information and fully (inaudible) to the whole contract that they want your feedback.

MS. LEONARD: Right. And we do -- the -- certainly, the thinking from our assistant secretary is that for this topic that's going to be discussed in this meeting, we didn't want to move forward without your recommendation. And so it was important enough for us to put it on the agenda to think about a way to have your input before it goes public.

MR. COOK: Maybe if the -- maybe it would be a good idea to kind of get a tentative list of who's going to be there because I know when you sent it out, I originally was going to make it. But my niece is graduating 8th grade, and they asked me to be the keynote at their graduation, so I won't be there on the 18th. That's at the middle school.

MS. LEONARD: Right. Okay. Okay. Well --

MR. ACEVEDO: May I suggest -- let's think about that, and maybe get back tomorrow. I can check with Mike. I think I may have a conflict. Definitely need to know from most of you whether or not you can make the 18th.

MS. LEONARD: And you know what I was thinking about this morning because this is so -- such a such a defining time. Maybe I can work with the people within the (inaudible) and give you some options. But I think that we were so focused on that 15-day notice, and so --

UNIDENTIFIED SPEAKER: What time is the meeting?

MS. LEONARD: Two to four.

UNIDENTIFIED SPEAKER: Two to four eastern?

MS. LEONARD: Mmm-hmm.

UNIDENTIFIED SPEAKER: Thank you.

MS. LEONARD: Okay. So --

MS. AKINS: It can't be before the 18th so it would have to be days after.

MS. LEONARD: Right. So it would have to be days after because we were figuring in -- we forgot about his week that we have 15 days. So it could be -- I'll check with them. I know, too, that it's time sensitive.

And, in fact, they really wanted a decision today, and pushing it off a month now is putting them in sort of a bind. So --

MR. ACEVEDO: Can I ask -- is it possible for us to address it here, or is there some reason, Michael, that we can't?

MS. LEONARD: It's proprietary. And once -- after -- after 9:30, it's all public.

MR. ACEVEDO: It's the (inaudible)

MS. LEONARD: Yes. So, chairman, I'm going to turn it over to you for the next -- until we go public. Oh, I'm sorry. Brandon needed to give you some logistics information.

MR. BAYTON: Good morning everyone. My name is Brandon Bayton. I with Kauffman and Associates, the contractor that provides logistical support. I just want to let you know that I'm here if you guys need anything or require anything. You may get a little chilly, just let me know. I also want to introduce, for chairman's sake and everyone else's, Sara Petersen, who is also with Kauffman and Associates. She will be doing the notating so that (inaudible) or if you want to reference something that takes place in this meeting.

Also, (inaudible) just let me know or (inaudible) and we will take those and ship your binders and materials back home.

One last thing. We also have provided some power outlets up front, so if you have your laptop for taking notes that way, you are able to connect to your laptop (inaudible) And just one last bit. Also, remember when you're speaking to bring the microphone close to you -- bring it up to you as you're speaking. That will make sure your voice carry -- voice transfer over to the audio system for the public meeting.

MS. LEONARD: And one last thing. You know, I said this to you this morning. We want you to be really comfortable with us. It's going to be a long day. And if there's something that we need to do to give you all a little bit more working room -- working space, we can make that adjustment because we don't want you to be just, you know, kind of sitting so close to each other that you can't stretch your elbow. So we can do that. We did reserve this space for speakers, but if we have to, we could just move further down on this side just to give you all some more room.

MR. COOK: Oh, they're all buddies, they can (inaudible)

MS. LEONARD: That piece I can agree with, but when it comes to writing and all the paper that you're going to deal with, I just want you to have enough room to work with. So let Brandon know if -- if that would be something that you all want us to give you a little bit more space. And, with that, I'm putting the tape over my mouth.

MR. ACEVEDO: Thank you, Jenelle. Thanks for the introduction. And talking about the FACA stuff, I wasn't aware that we needed a government official when we did subcommittee work. That's helpful.

That's a new wrinkle in the system. I'd like to just open up the next 50 minutes, so I want to give you a break for 15 minutes before we start the formal meeting. Is there anything that you wanted to -- any of you feel that you want to address to us prior to the start of formal discussion?

MR. MCCracken: I have a quick question. In regards to the next time we gather, if we go on the same cadence, it's going to be around November. Right. And right before the National Conference of the American Indians are meeting in Portland the first week in November. And if we're gathering, I'd like to extend the offer to use our facilities at the Nike World Headquarters to host the next gathering. Because I think that we have that council meeting, and we're sharing information, all the key tribal leaders will be in Portland during that time. So the meeting is open to the public, we might have some of those leaders who want to attend and share their thoughts. I guess as we represent Indian Country as a whole here, it would be great to have that insight. So I just would like to open that up to the full council here.

MR. ACEVEDO: (inaudible)

MR. MCCracken: Any legal issues for that at Nike Headquarters. I'm changing it to the affirmative.

MS. AKINS: Yeah. We would have to get that checked out with the general counsel's office. It's just routine with them do. It may be nothing, but now we want to work together and just get the particulars. I think the main thing would be it's a facility you normally would have the public meet at anyway. And then it would just be the estimated cost of any audio-visual and things like that. Because the big issue is the department couldn't accept that (inaudible) rule that they have to check out at our general counsel's office. And, again, it may be just totally routine. I don't know yet, that's the work they're doing. But we definitely can check that out. So we have plenty of time to get started.

MS. LEONARD: And on that note. Let me just -- two things I want to mention to you is that, you know Dr. Melendez is the OIE director. At that point, you will have a new director. And so, for the record, you need to -- Michael is here. He will continue to work with you. Because he's the designated federal deputy -- deputy assistant secretary. And so that would be the -- the continuity there. But, at that point, that's something to bring back up to Michael and to see if that is, in fact, an option. As well, you mentioned that the new meeting -- I mean the next meeting. If you look in the charter, there are two meetings per year. And so planning ahead would be really great so that you can all -- you all decide to, you know, schedule this -- you'll know early on, and over the summer, when the next meeting will be so that you can start to plan for it.

MR. ACEVEDO: Separate and distinct from the legal questions of being able to house it at Nike (inaudible) members of the council to meet in Portland.

MS. BUTTERFIELD: Yeah. I want to apologize to the council. I will not be here tomorrow, and I had oral surgery on Friday. So I'm not too painful. But I'm really concerned about the whole reporting part of NACIE, and I see that's not going to happen until tomorrow. And I'm wondering if there's any way we can, maybe as we go through hearing from some of the people who will be presenting, we might interject maybe during that 15-minute common time, some possible recommendations as we go -- go

through that presentation. I'm just trying to see if I can still be part of the conversation even though I have to miss tomorrow.

MR. ACEVEDO: I can share that committee. Robin, it's good to see you. My response is actually to that point in a form of a question. I was wondering -- given that we will be charged with drafting this report initially. The extent to which we have to rely on our own notes during the meeting. Or whether the rationales and recommendations will be captured in some form during that part of tomorrow's meeting. Such that our work will be somewhat synthetic. Taking notes that were defined during the meeting and putting them together in the formal report.

So I need to know the extent to which I and my team here are going to be responsible for creating the rationales and recommendations when we sit down after the meeting -- with Robin's suggestion during this meeting -- and the extent to which they're actually going to be crystallized during those times that are allotted to that work tomorrow.

MS. LEONARD: The court reporter will record every word. And I need to check with Brandon. Are we thinking that it would take a week or 10 days for that report to be completed?

MR. BAYTON: I don't think that it would take more than 10 business days.

MS. LEONARD: Ten business days. So you'll have the full report. Well, we'll receive it within 10 business days. Now what we can do is, we can -- and I look at my FACA person here -- send out a draft because it does have to be reviewed and signed by the chair. But we can send out a draft as soon as we get it.

UNIDENTIFIED MALE: Okay. You're responding to the transcript of the meetings.

MS. LEONARD: Yeah.

UNIDENTIFIED MALE: So what goes into that transcript? Will we as a group be crystallizing the rationales from our recommendations that obviously will then be captured by the transcript. Is that our work here? Or is that something that our subcommittee would be doing afterwards?

MR. ACEVEDO: I know that the agenda for the afternoon, we have about 2:30 to 3:00. I'm going to ask from the council, each of -- a recommendation for each of those bullet points that you want to insert. Then I can flesh that out. It will be part of the record that Jenelle talks about. But I'm specifically going to ask the council a specific bullet-point recommendation.

UNIDENTIFIED MALE: I'm thinking that's what -- so that we're all on the same page with what it is we're recommending for what the rationale is, which is also part of the forum as you know this from the reports.

MS. BUTTERFIELD: So just for my own personal commitment. So if I'm not here tomorrow when some of those rationales and recommendations and points are being made, I can submit them in writing. Or how do I get -- submit my comments?

MR. ACEVEDO: You can certainly submit comments, but it will be the full action of the council that will be the actual recommendations. So if you have rationale, just forward that. Or opposing the council's actions. It could (inaudible)

MS. BUTTERFIELD: So I submit it in writing now.

UNIDENTIFIED FEMALE: My question is specifically in regards to the urban (inaudible) When (inaudible) access the transcripts from those meetings to be able to question the recommendations into the -- and complement the attitudes of tribal consultation.

MS. LEONARD: The Denver one -- we can get that to you before the week. And the next one is coming up is Green Bay on the 26th. And it's generally a (inaudible) can they turn around for us to receive that. And we can get those to you as soon as we get them.

MR. ACEVEDO: Anyone else? Theresa John.

MS. JOHN: My contribution to the council (inaudible) most recent Alaska Native education (inaudible) well-known agency under the University of Alaska that produces culturally relevant materials here. Just to give you some examples of what you could take home. And these are adopted by the Department of Education. Alaska's Standards for Culturally Responsive Schools. (inaudible) So for your pleasure, there will be a bunch of literature produced by indigenous scholars from Alaska. And these are my contributions for the council.

MR. ACEVEDO: Thanks for bringing them to us. (inaudible) They'll be there for you to read during the -- this evening. (inaudible)

MS. THOMAS: I just want to comment on the questions. For the confrontations that you have had and that you will have. Why is that the NACIE council isn't involved at all or part of it or invited to them? Don't be looking down Karen. You know I'm looking at you.

MS. AKINS: (inaudible) Just in general, Virginia, if I understand what you're asking. But I don't know about the consultation. So I apologize. I don't know what the dates are or anything like that. But in terms of FACA, anytime we get recommendations, advice -- I mean that's what makes you the advisory committee that you are. Whenever we give advice or recommendations from the council as a whole, that triggers FACA. It's considered -- we actually have to have an open meeting and open discussion. Now if, first of all, if a few council members want to go to these consultations or -- I don't know if it works for one of the subcommittees that you have -- there's no prohibition against that. But the full council can only provide comment to the department -- I guess that's what triggers FACA. Not I guess. It is what triggers FACA when the entire council provides recommendations to a federal agency; in this case, the department. So I'm not sure, again, about consultations or when they occur. You know, that kind of stuff. But I'm sure we can work all together to make sure you are included. I'll just have to care about how we do that. But it's definitely not impossible for at least some of the council members to be involved in those consultations.

MS. THOMAS: My recommendation on this -- it -- it would be to our advantage, if not all -- I'm guessing all the council would be on there. But at least have a representation there so people would know that we're there. And that we're listening because I know that in years past, and I speak from experience to where we weren't visible. We weren't out in the community. They didn't know who we were. I mean, they knew who we were, but they didn't know what we were doing.

MS. AKINS: Right.

MS. THOMAS: And we did have one consultation. I think it was Chicago. Wasn't it Greg? I think it was Chicago that we went to. For some kind of -- it was a consultation that we had. And it was well accepted, and we went as a whole board. But I'm saying that we could have at least some type of representation, they could see that NACIE is there. Be it our chair or vice chair or some representation. That would be advantageous to us.

MS. AKINS: I always feel like I'm slapping you on the hand Virginia.

MS. THOMAS: The other thing that you need to check out is, you know, who would be responsible for the cost of that. Especially such tight budget these days. I don't know what the department's ruling would be on that. Whether a NACIE member would have to pay for themselves. Or it would work out where it -- a council member was going on behalf of council. Like to say, collect data for a report. I'm not sure about -- check that out. But that's the other thing we need to work out before we made any definitive decisions about which council member would want to go.

MS. AKINS: I think that because of the variety of people that are here representing the council that the areas that we cover.

MS. THOMAS: Mmm-hmm.

MS. AKINS: If it's going to be in Anchorage, there's no reason why Theresa couldn't just be there. Or in Oklahoma, or in Wisconsin, or whatever it is. We have representation within the region. And no, you're not slapping my hand cause I can take you.

MS. THOMAS: I'll see you outside.

MR. ACEVEDO: On the note, we'll adjourn. A recess should be perfect.

MR. COOK: I just want to mention that I actually went to the Denver urban meeting this next session. That was -- I just went up on my own. Not as a NACIE board or anything. But just went up there as a part of my job. And I also had the honor of posting the BIE tribal consultation on Pine Ridge High School. Unfortunately, there was a fight that happened that I had to deal with and the death of one of our staff members. I didn't get to really participate as much as I did. But I think it's very critical that we do have, you know, a presence there at these hearings because, I mean, those are the grass roots constituents that we represent. And being able to hear some of the different -- those issues and concerns because we do cover so many different areas. That gives us a whole different perspective doing that too. So I would go to Green Bay, but since they traded Brett Favre I don't feel like going over there.

MR. ACEVEDO: Thank you everyone. Let's take a 15-minute recess.

MR. YU: Charlie, are you on the call? Charlie, this is Don, if you just want to introduce yourself. Sorry, folks, this is Charlie Rose. He's the General Counsel, just trying to work out this technology here. Charlie, can you hear us? Charlie?

Well, I'll get it started. Hey, folks. Thanks for having me this morning. My name is Don Yu. I'm senior counsel with the General Counsel. So right now we're trying to get Charlie -- we're trying to get the General Counsel on the line, but I can get started while we wait for him.

So I mostly work on special projects here on public points, mostly with special assignments. As you know, the Department has a number of regular programs that address Native American issues. Every year we have a certain number of programs coming out of Jenelle's office. I started work on special assignments, and a number of those do involve Native American educational matters.

So some of the first things we -- last year, we had our -- after the President issued his November 5, 2009 memorandum, the Department had its first ever official consultation with tribal officials. We held six official consultations with tribal leaders. We made a real effort to get staff to all our consultations. And we also held all six on tribal controlled lands, which was kind of a big first step for us. We did a lot of work with the Department of the Interior. Their Office of Indian Affairs gave us a lot of great guidance on how to conduct tribal consultations. It's also important to note that we've taken quite a few steps, and this isn't just a consultation for an important first step, but we've taken a lot of steps forward just in responding to concerns that we heard from tribal leaders.

Some of the major big themes that we heard last year in 2010 were the importance of increasing tribal control over education, the issue, the suicide crisis among Native youth, substance abuse issues. We've heard the importance of the preservation of Native languages, cultures and histories. So those were some of the big concerns that we heard across the country when we held our consultations.

And we have taken quite a few steps in response to them. The first one is our ESEA, the Administration's proposal for the reauthorization of the Elementary and Secondary Education Act. We have proposed and the Administration supports a pilot program for the empowerment of tribal education agency. This is to address the issue of increased tribal control over the education of Native students. Another big thing that we are working on is that we are working on -- we're going to hopefully issue not too long, but some folks are trying to prepare a report on the 2010 consultation. We're going to put that together as well, an official report, and it's also going to be in development soon.

So, and some of the other issues that we've heard too, were -- let me see -- also, we are right now in a process of conducting urban consultations as well. So we have, even though it was really important for us again to tribal controlled lands for our first set of consultations, it's come to -- a number of peoples had told us how important it is that we also -- the majority of Native Americans don't live on reservations; the majority live in cities. We had our first urban consultation in Denver, last month, and we are going to be in Green Bay on April 26. We'll be in Stockton, California on May 6, and

on May 9 we'll be in Los Angeles. So we're going to continue those, and that's not the end of the line. We'll continue to have additional consults -- we'll continue to fulfill our requirement for consultations. But those are the ones that are currently scheduled right now.

So some of the other things that we have taken a response to 2010 consultations, some of you may have noticed that last month on March 15, the Department issued a Notice of Proposed Priority for five programs coming out of the Office for Safe and Drug-Free Schools. Those five programs are the Department's principal levers for addressing some of the concerns we heard during our consultations about the suicide crisis. These programs will provide funding for applicants, students residing on Indian lands, funding for our mental health programs, our counseling programs, our substance abuse programs, and our school violence programs as well. So that was a big step. The comment period just closed a few days ago, but our notice of the final priority will be coming up soon. That is something that folks should know about and should apply for. It will give a five-point competitive preference priority to the eligible applicants.

I note that some other work that will be done in the lab. Keith Moore will be joining us pretty soon. He is the Director of the Bureau of Indian Education. We have been doing a ton of work with Keith. I probably talk to Keith several times a week. We give him a ton of technical assistance on -- we have really focused on breaking down the silos between the two departments. We give him a ton of technical assistance about standards and assessments for the schools, teacher evaluation and performance for his schools, and also the common core. Keith can talk about some of these issues when he comes in, but we have done a ton of work with him.

And the last thing, and probably the most important thing, is that we have also been working -- and this has been a longstanding request from the National Indian Education Association and the National Congress of American Indians for the importance of a permanent position, a senior advisor position for Indian Education at the Department. It's taken some time, but we've had a lot of great discussions here at the Department, internal discussions, and we've made a lot of progress on that point, so I'm hoping at some point in the future we can -- we'll be able to deliver that. That's also in progress.

Okay, I don't think Charlie will be able to make it on the call, but if you guys have any questions, I'm happy to answer any questions that you might have.

MR. ACEVEDO: Don, thank you very much. Questions from the Council?

MS. THOMAS: This is Virginia, I do. You're compiling all this information from the consultations that you're holding. What actually happens to the compiling consults?

MR. YU: You mean, how -- what the report will look like?

MS. THOMAS: No, how does it apply -- where do you disseminate the information, and how does it apply? Because I know when people come to the consultations, they give you ugly stories of what's going on and what's not happening. And how do you follow through on those?

MR. YU: Sure. Well, we receive a ton of comment cards, e-mails, and also the most important thing is that we have a court reporter at all of the consultations. So if there was an official court reporter there that took a transcript of every word that was said there. And this is going to take some time for us to go through all the transcripts. I think it totaled into the thousands of pages. The hearing reports probably totaled more than a thousand pages, I'm sure. And it'll just take some time to go through it, and we're going to pick up common themes. And probably we'll just focus on what tribal leaders say. This will be the voice of -- this report will -- I don't think it will have -- maybe some implied policy suggestions, but really the primary purpose is for to make sure that tribal leaders know that their voices were heard and issue this report publicly.

MS. THOMAS: Okay. That's the process that you do.

MR. YU: I'm sorry.

MS. THOMAS: What happens to the outcomes? When they say that we need help on this and this is what's happening; when they give you a problem that they're asking for your help, make sure that doesn't happen again, how is there a follow-through on that?

MR. YU: Sure. And some of those are the things we just talked about. We are already in process and we couldn't wait for the report to come out, but definitely all the things, the special projects that I just mentioned to you, every single one of them come from Indian Country; the tribal education agency, the importance of the senior advisor position, the urban consultations, the suicide -- the programs for the suicide crisis issues -- those ideas all come from Indian Country, every single one of them. And we are in the process of delivering on those.

MS. THOMAS: Okay, so when you have the report come out and say that we've initiated these different program or concepts and that you initiated, that's an outcome of the consultation?

MR. YU: Yes, certainly all the projects I listed were outcomes of the consultations, tangible responses to those concerns. I think the report itself will mostly be the voice of the tribal leaders themselves, what we heard. It just takes some time to go through the consultations and do it in a rigorous manner.

MR. YUDIN: Mr. Chairman? Oh, I'm sorry.

MS. THOMAS: My concern was just to make sure that people who come to the consultation that they understand that there is a process that is all here. If we initiate these programs, and they're not told that this is the outcome of the consultation or something, that might be a bit too hard an advantage, that they'd know that this is where it came from, and that their words didn't just fall on deaf ears; there's a report somewhere that actually was applied.

MR. YU: Sure, you're absolutely right. We need to do a better job at communication, and we'll definitely need your assistance on that.

MR. YUDIN: I was just going to add, you know, a number of our policy proposals for ESEA reauthorization, our proposals moving forward with regards to technical assistance, that and all that

stuff, is actually borne from the tribal consultation, so I think your point is a very important one, in that we make sure that the community knows their concerns and suggestions and recommendations were heard and were actually taken up and on it and taking action, so it's a great point. Thank you.

MR. ACEVEDO: Debbie?

MS. JACKSON-DENNISON: Good morning and thank you for your report. I have a question, and it's more of trying to understand how we're going to connect the dots with this Council. How do you and your program or the initiatives that you talked about see how we as a NACIE Council can assist or help in really making certain that we make some changes, especially in this time frame of reauthorization with - I'm from the public school sector and I know that in the most part, when we're talking about Indian education, most people, the majority of people, think of the Bureau, but in reality we have a large, large number of Indian students that attend public school.

So I'm trying to see how we as a NACIE Council can help you, or how you foresee us making that connection to the reality of what's going to be coming, especially with the reauthorization of ESEA.

MR. YU: I think that point is credible. As I just mentioned, all of our policy ideas, the actions that we take, are in response to concerns we hear from Indian Country, and you will be our primary -- in addition to Council's direct words that we heard during the consultations, we need your advice about what needs to be tackled and how we do it. So that is absolutely credible.

This is the NACIE's house and OESE, so this is Michael's area, so I'm not sure if Michael, you had specific plans?

MR. YUDIN: Just as kind of a housekeeping note, at the end of the day I'm actually going to give you all a briefing on ESEA reauthorization. Some of the key issues that I think are critical for you to know as you prepare your reports and as you do your work, and then answer any questions you have on ESEA.

MS. JACKSON-DENNISON: Just a follow-up, you mentioned the senior advisor for Indian education. What's the timeline of where you are on that and what that will undertake?

MR. YU: Yeah, I have given out some of the timeliness on that matter. I wish I could say. We've had productive conversations internally, I would say. It's been a real challenge, just because of the way the government copyrights and bureaucracy.

I can't say I'm new anymore to the federal government, but it still takes -- every time I get a deadline, I usually have to triple it. So I don't want to give false expectations, but we have had -- the ball is moving along; that I can say, but I just don't want to say three, six months or something like that one. Those expectations have been tried in the past.

MR. ACEVEDO: So from one perspective then, it is being favorably received, just on our timeline?

MR. YU: Yes, I think that's fair to say, yes.

MR. ACEVEDO: Sam?

MR. MCCracken: Welcome. So I want to change the ship on you just a little bit, knowing that there are some really key initiatives that will affect our youth. The Let's Move in Indian Country Campaign is going to be announced relatively soon, Apollo Program, which is the President's Achievement Leadership Award. Can you explain to this Council how the Department of Education will interact with those so that we have a clear-cut picture?

MR. YU: Right. So I do work with Department of Interior for Let's Move in Indian Country, so I'm kind of the designee for that. A lot of Let's Move in Indian Country is an interagency effort, if you folks don't know. It's actually coming out of the First Lady's Office, her general Let's Move Campaign, which is the President's, the White House's attempt to follow up on the recommendations on the Childhood Obesity Task Force, which I report which issued, maybe 18 months ago. Let's Move is the response to that, trying to the recommendations from that report.

So the First Lady has a number of Let's Move initiatives, Let's Move in Cities -- Let's Move in Towns and Cities; another one is Let's Move in Indian Country, which is primarily led by the Department of Interior. We're the primary department in charge of that. They work closely with Agriculture, HHS and ED on this, and the White House also gives regular guidance on it as well. The other agencies -- we all kind of chip in. We all chip in in different ways. HHS works on our Head Start programs, tribal communities. Agriculture is working with BIE on the development of school nutrition guidelines with our schools. And ED is working on, one thing is technical assistance from its 21st Century learning communities program, which does provide -- which there are some opportunities in there for recreational activities. And the other thing is -- the other important thing is again this program for the mental health issues which I just addressed, which is coming also from Ed, to address not just obviously obesity and self-esteem and anxiety issues; all these things are tied up. And we're hoping that all the agencies, when we put all of our efforts together, we make a real difference there.

MR. PHELPS: Don, just a suggestion. I don't know if you're already doing this, but I'm actually pleasantly surprised that you guys have turned around in a year, four or five targeted programs from those consultations and would encourage you to work through NIEA and NCAI to maybe put out some sort of, not media, but communication talking about the specific program, saying, this is what we heard from tribal leaders, here's our response, and list those points. Because I think it's been barely a year, you finished your last one, and these programs have already kind of flipped around. So you guys get beat up a lot, but I want to kind of commend you guys for your rapid response, so thank you.

MR. YU: Thank you, Stacy. We need to do a better job at the communications, make sure the work gets out, especially for the funding opportunities.

MR. ACEVEDO: Greg?

MR. ANDERSON: Yes, Don, thanks for coming today. I'd like to encourage the Department to prioritize the next docket review of these governments so that they may be considered in the reorganization. I think it's important what they learn at these consultations to be included for consideration.

MR. YU: Right. Some of those things have been incorporated. Tribal education agency proposal -- that's never been done before. The Administration supports that, and there's also a consultation requirement also in there, never been done before. So those are proposals that the Administration supports.

MR. YUDIN: If I may just add to that, and again, we'll talk about it later this afternoon. But in addition to the tribal education agencies having greater autonomy and opportunity to educate their children, we took that to heart, but we've also, in our proposal, are promoting language and culture, greater flexibility of use of federal dollars to do so, greater collaboration with parents and tribal communities as well. So there are a number of recommendations that came forward from consultations that we have built into our proposals.

MR. ACEVEDO: Any other questions for Mr. Yu? Don, thank you very much, appreciate this.

MR. YU: Thank you, folks.

MR. ACEVEDO: Thank you. If we could hear from the Director of the Bureau of Indian Education, Keith Moore? Keith, are you present?

MR. MOORE: Good morning, everybody.

ALL: Good morning.

MR. MOORE: Familiar faces here. I think I have a PowerPoint here that I'll walk through, but let me say welcome to D.C., and look forward to sharing with you, taking your questions and getting a little assessment of where you think we're at in terms of what we're addressing here in the BIE around here in education with our schools and our organization.

You folks will probably have to click for me up there. Let me say first, really the main thing I've been sharing with folks are the three components here on this slide that we're really going to focus on within the BIE under my direction, anyway, or going to be, "Learning, Leadership and Service." Everywhere we go -- I just feel like we have an organization that is really -- we oftentimes focus on the adult parts of the job and we don't put the student in the center of the table. Sometimes we like to say that we're doing that, but our actions don't back that up. And we're going to work hard to do that in the BIE.

And everywhere that we go we've had tough conversations all over the place about the BIE and its history and what it does and what it doesn't do and bureaucracy of it all and all those sorts of things, but we're going to do our best in terms of the decisions we make around student learning, number one; how do we start to address this issue.

You folks know as well as I do, that if we're going to really revitalize our tribal communities and leadership and have vibrant communities, we've got to be better than we're currently doing. And I said over and over the last ten months in this position, truth over harmony, and the truth is, we don't have very many successful schools out there right now. We have a lot of failing schools, but our schools

overall when I look at the data and we study that, we're not healthy; we're not what we need to be. And so I think we have to admit that. We can't go around trying to paint a better picture than what is really there. If we're really going to address some of these issues, we have to be honest with ourselves, and we're trying to do that.

Brian Drapeaux's here with me, my Chief of Staff in back of the room. And when you do that, we've had a lot of tough battles. We know that folks don't agree with us all over the place, and we're not saying every school is failing, but we're saying that overall when we look at the picture, majority of them are. And we think the only way to get better is to admit that, and so we're admitting that and saying, let's put student learning in the middle of it; let's start to really collect solid data; let's look at that data and let's talk about how we improve going forward. And so that is number one for us.

The leadership part I think is another key part, it's this kind of work right here with you folks. We want to be transparent, we want to be open, we want to share with you what we're working on, what we're trying to address, what we're doing, get your feedback, and really develop a collaborative effort as we move forward in working on all of these issues that we know we have in our schools and with our students.

So again, we want to provide good leadership, and we know that we won't always agree. I say that over and over, and folks probably listen to me talk over the years about Indian ed, have heard me say that over and over. We're not going to agree on everything, but we want you to know that we want to be open, we want to be transparent. There are reasons behind what we're trying to do. We're trying to do that around data, around the picture that we see and then provide good leadership around that.

And the last one I think is big for the BIE is service. We tell our folks across our organization that we're a service agency. I don't think we've look at ourselves ask that, and you folks probably agree with me, that we look at top-down. And we're in our chairs and we're in our big positions, and now we get to dictate what goes on out in the field. And I don't look at it that way, at least in all my work that I've done as head director in South Dakota and different positions, as school administrator and so forth. It's always been that we're service. We should be working with people, we should be devising solid plans with people, we should be getting feedback from folks, and we should be trying to provide good service. So we're working hard on that front. We have a number of places in the BIE that we need to improve in order to do that. But we're working hard to do that.

So these are the three pillars for us, really, learning, leadership and service, and around that we've developed four key components that we're addressing this year. They'll be within this PowerPoint, but I'd like to talk. I don't have them specific. They're embedded in this, but I'd like to talk about them specifically on their own, and one being -- currently we're working on our collective bargaining agreement, our Memorandum of Understanding for our teachers and administrator; mainly our teachers. We're working hard right now to get into the 21st century in terms of how we evaluate our teachers in the BIE.

If you're sitting alongside me as educators, as you folks are, and we're looking at how we currently evaluate our teachers, in the system we have set up, it's been very unfortunate. We've been

treated like any other employee in the BIA, meaning if you're a police officer or a fireman, custodian, whatever, teachers are very similarly treated right now. Clock in, clock out, break here, break there. There isn't a real thought-out process to teacher evaluation or administrator evaluation. So we're working hard with folks, U.S. Department of Ed included, to really revitalize and revamp our teacher evaluation system in the BIE. That's one of the big components, and we think it has to happen.

Number one, as you folks know, really built around student achievement. How do we build in a student achievement part to teacher evaluation and show that student achievement improvement is going to be a part of that process, I think is something that, if not all of us, a good majority of us support going forward in the future of education. So we're really working hard to get that piece in place.

It's hard, to be honest with you, in a bureaucracy to get some of that work done for folks that have worked in federal government, to work with solicitors and different pieces. Folks of the federal government, to try to get those folks to help us do this is very, very difficult, and oftentimes we thought we've been able to get it done a lot sooner than we could, but it just -- it's laborious, and you have to be diligent; you have to be the squeaky wheel and you have to keep really pounding on the table in order to get some of this done. And that's the case with this.

I thought we would have this in place already and be looking forward, but we're still trying to get all the i's and t's dotted to make sure that we can get a pilot project off the ground in terms of getting this implemented. Secondly, our student data system, if you folks, all of you have worked with the BIE, our data system can be much more robust and effective than it is. We have our NASIS system, the Native American Student Information System, but we don't have what I would call a Web-based real live time data system that you and I can look at out on the Web that shows all our data indicators that we would like to look at for our schools and our students. We're working on doing that right now with NRFP to create a dashboard system.

If you know, Head Start's system, it would be really similar to Head Start's. We've really been impressed with the data system that Head Start has developed to collect all of the federal pieces that it has to collect for data, and we would like to come in line with the work that they've done. It gives us the ability to answer questions to all constituents and people from OMB to U.S. Department of Ed to you folks to tribal leaders, to everybody, who can sit there and really take a good hard look at real-time data for our situation in the BIE. So we're really working hard to get that piece in place.

Thirdly, let me say the common core, and our work with the Council, CCSSO, Council of Chief State School Officers. I joined that group, just attended my first seven meetings with all of the other state chiefs, and that was a very good set of meetings. I think that's another place where we can really impact the picture for all Native students, not only our students in the BIE but maybe students in public schools as well around policy and the work that's going on in states, or isn't going on in states, and how we collaborate across fences in terms of doing that work.

I know that there are a lot of folks in the field, that whenever I talk about doing this, they said that Keith Moore's going to turn the schools over to states and turn them into public schools, the BIE. Let me say this here in this room. That's the last thing I want to do. I'm just like you folks. I believe in

tribal sovereignty. I believe in our schools. I want our tribes to be able to run schools, but I think we have to really think collaboratively and out of the box and creatively to really moving forward of how we address a lot of issues for our kids. And I think working with state chiefs makes sense. As we go forward in terms of trying to address issues in states at this level, there are just a number of places that we can really go to work of having good conversations with folks about doing work.

And also, we obviously support the common core. We have 23 states, 23 state systems, 23 sets of standards, 23 different assessments, AYP scores, cut scores that are all over, all over the board, and it just doesn't make sense. And we need to come around the common core effort, develop a systemic set of standards and assessment, and then also give tribal flexibility within programs such as the 6111 monies where they can do alternative AYP, if that is what they choose to do. But we really feel that we need to develop a really strong system in our BIE around the common core, so we're really working hard on that.

And lastly, school turnaround. Within tribal grants, the tribal grant picture and our BIE-operated schools, we really want to go to work and talking about how do we start turning around our schools and go to work on school reform, and what's that look like; how do we support tribal grant schools where tribal grant schools have their flexibility and their autonomy to do their work and have the BIE-operated. For any folks that may not know, we have 124 tribal grant school and 59 BIE-operated schools, so we have 59 yet that we've directly run and then we have the 124.

What we're embarking on right now is trying to get an overall assessment in place of the BIE and get that work started. It's been another unfortunately, headache for us to get in place. We thought we'd have the work rolling by now, but what we really want to do is do an overall strong assessment of the BIE from our line offices on up to the Director and our schools and how we provide service to tribal grant schools and BIE-operated schools, how we're structure -- just an overall really strong assessment of the BIE and its effectiveness and how efficient it is, and how we could structure it better going forward in order to be able to do good work.

And we've run into a few headaches with getting this assessment in place along the way, because we're not long-term federal bureaucrats, Brian and I. We're fairly new to the system, Brian being about seven months in and me being about ten months in. So it's been -- trying to figure everything out, it's been difficult at times, and if folks don't help us sometimes, it's difficult for us to get everything in place. So we've been working through the process and have had a few snafus, but we hope to have that assessment RFP chosen and be able to get the work started here in the next month, six weeks -- which will really be good for us and being new and being able to lay a plan going forward of how we're going to do work at the BIE.

So those are the big four. I should have asked before I started, Michael or Jenelle, how much time you wanted me to take or didn't take. I didn't look; maybe it's on the agenda.

MR. ACEVEDO: Keith, we've allotted a half hour for you. We still have another twenty minutes, so if you've got more of substance, then we'll ask questions of you.

MR. MOORE: Perfect. I'll try to get through this and take your questions. That's perfect. Thank you.

What I'll walk through here and I won't pay too much attention to the 2010 accomplishments as much as our 2011 goals of what we're trying to address. And like I said before, things that I just talked about are really embedded in this presentation and different points as well.

2011, one of the big things that we were able to do in 2010 was re-establish our HR, all of our HR components back into BIE. They had been pulled out and they were being done at different - were being completed by other parts of our organization, whether it was BIA or the DASIM, the Deputy Assistant Secretary for Management Administration. But we really wanted to take control of those HR pieces, because we know that we struggle to hire teachers, administrators in a timely fashion. It's very difficult and we would like to try to go to work on that part of it. So we re-established that in 2010.

The 2011 goal under infrastructure, as I talked about, is our organizational review. We're going to need that completed in 2011. The historical analysis of the budget is very, very important to us. If you look at the Indian Ed BIE Budget over the years, there isn't a real thought-out process to it as we see it. It's a very up and down, undulating process in how BIE's been funded or not funded. We want to do an analysis of that so we can go and be the Hill in different places, some of our struggles when it comes to budget development and how the BIE's been funded and how it hasn't, or hasn't been funded over the years. But we think that'll really help us.

One of the pieces we're going to put in place for that is right now we're working on PD and in the next week or two we'll have a position let for a deputy director in D.C. for the BIE. Now, we're not adding -- these aren't added positions; these are changes that we're making within our structure, so we're not adding positions to central office; we're just reorganizing our positions and giving them different titles.

In BC, one thing that we need that I guess I've been astounded that we didn't have before, is really a strong budget and administrator person day-to-day, doing work within the BIE. I've learned in a short period of time that there are other folks really controlling our purse strings or our budget development outside of who would be in the BIE, and my thought has always been when I took this position, that there has to be an educational vision and angled all the work that we do.

And as I look at our budget development, how it's been done over the years, there hasn't been a real educational focus, vision, for budget development. It's kind of been, let's do this, let's do that, we have to cut this, well, maybe there's too much here. But all of sudden you're looking at this historical budget, going, why have we done this, why have we done that. And to be honest with you, when you look at the history of the BIE director, since 1979 it's a scary turnover rate, and number of acting directors or folks that have been in this chair for a year. I would say that probably the longest average tenure since 1979 if you'd average it out was about a year and a half. And I told Brian, if I sat in this chair for a year and a half and left and somebody else came in like that for 30 years, we wouldn't have a very functional organization. And we don't have a very functional organization today, and when there isn't a BIE director then somebody else within Interior is running the budget, running the show, setting

policy, doing the work. And I think it leads to where we're at today, which is an organization that isn't real focused and streamlined and functioning at a high level.

So we just feel that this piece is really important, and the deputy director that will come in, this will be a big piece of their work. They're going to have skills in that area of doing budget work and administrative work and be able to provide a lot of direction for us as we formulate policy around those issues going forward in the BIE. So this is really important to us. The budget, obviously, as any of you know if you're school administrators or done work in the field in the schools, you have to know and understand and control your budget and be able to develop it. So we're working hard to be able to do that moving forward.

Yesterday's platform development is really again around the two systems that we have, the tribal grant and BIE-operated, how do we provide service to those two and the work that we do with the two separate parts of our organization is really important. Collective bargaining, I talked about. I'll skip over that and our MOU. And then lastly, we want to go to work over the next year developing just really I guess, a policy advisory committee where we would meet with folks in the field in different areas to talk about policy and where we're at, where we're headed and the work that we're doing to be able to really devise a strategic plan going forward with folks from across the country in different fields in Indian ed.

We're really working hard to collaborate with folks. U.S. Department of Ed has been a really strong partner. Almost everybody in this room -- I won't say names because I look around the room and see all the U.S. Department of Ed folks -- and they've been just great in terms of my first year and the number of places that they've helped us with all kinds of work. So that was our number one from the secretarial level. Secretary Duncan and Secretary Salazar, one of the number one things they said to me right way was we want you working across agencies with the U.S. Department of Ed and the Interior. So we worked hard to do that, and as I said, it's been a great collaborative effort with the U.S. Department of Ed.

Going forward to Ag, I was amazed being new to the process when I came in, how much money runs through the Department of Ag for education. So there are a number of pieces within Ag that we're trying to address and develop a strong relationship with the Department of Ag, across from higher ed to K-12. There are a number of pieces there that we can work with Ag on. Justice is big for us because of the Tribal Law and Order Act, obviously in our school, safety issues. We have a number of issues in the field as well, to try to address a number of issues in spots in our school system.

And then the latter two that we want to address, obviously with our data system and IT and different places, we think we can be more robust with the Federal Communication Commission, Federal Trade Commission in terms of how we do IT work. Another area we need to get into the 21st century, and get this IT in our schools. And I don't want to throw anybody under the bus, but we've invested a lot of money over the last five years and we haven't gotten much in return in terms of IT services. So we're really taking a hard look at that, over the amount of money that we've invested and the amount of what we've gotten in terms of service for those dollars is unfortunate for our schools and our kids.

And we want to address that, because with all of our teacher struggles, and we know that we have struggles at middle high school, the higher quality teachers. When we get to those really important disciplines, whether it's math, science, special ed, whatever it may be, we struggle at the middle and high school level to put quality teachers in the classroom. If we can't have a quality teacher in the classroom, IT becomes hugely important, because it's the next area that we can address some of those deficiencies in terms of distant learning or Web-based classes or whatever it may be.

We know that the best possible scenario is that of great teachers in the classroom, but if we can't make that happen, we don't want just a warm body in our classroom. And unfortunately for us as we look at it, oftentimes we're putting just a warm body in a classroom when it comes to math, science, and all of these critical areas that our kids need to be well-educated in. And we want to go to work in terms of being able to address that issue.

Our assessments, we're talking a good hard look at juvenile detention education, mainly because -- not mainly; we should be doing it, but mainly because of the Tribal Law and Order Act. There's a big piece of tribal education in there, and unfortunately for us, more and more of our youngsters are ending up in juvenile detention facilities. We're actually building more under the Tribal Law and Order Act, and so we want to make sure that we're doing a good job of educating youngsters in those situations. The NIT is important in that area when we talk about doing a quality job in juvenile detention education. I talked about the comparison schools and then our data system I talked about as well.

Let me talk about K-12 here a little bit. Obviously ESEA reauthorization is on everybody's mind and what it's going to look like going forward. We've worked through a number of pieces in our shop, and it's at the political level fourth and fifth floor and working with U.S. Department of Ed and different folks in terms of what that's going to look like. I can't talk specifically to that, because it hasn't been vetted all the way through, and what's being discussed, so I can't release that until the Department goes through it and all the political folks go through it, and what's going to be move forward, but we're working hard to really take a good hard look at that and work with folks to make sure that we do a quality job of making our recommendations.

Teacher improvement retention is a big one. I think I've addressed it here already, but we have a number of struggles across the country in all of our states in terms of recruiting teachers and then being able to retain them. We'd like to really go to work on devising a plan of how we address that. Our Safe and Secure Schools, there was a hearing last year, and maybe many of you know about that or saw it or read about it, and we have a number of issues in our schools around Safe and Secure. We're working with Darren Cruzan, who heads up -- what's the name of his division, Brian?

MR. DRAPEAUX: Office of Justice Services.

MR. MOORE: Office of Justice Services to put more officers in our schools, so that's really been good work with them to address some of these issues across fences within BIE and BIA. Our data, talked about it quite a bit. We want to be able to be transparent and give out a system that really speaks to that.

And facilities management is a big issue for us, and if you probably worked in BIE schools or dealt with BIE, this is an issue that runs across the board, in terms of what we do in our facilities and how it gets done. Right now, we're working through a negotiated rulemaking process. We have another meeting coming up. It may be the last one of redesigning what the system looks like for us and how we create a list of schools that are going to be addressed, and all of the components that schools need to have in place in order to be on that school construction list and how O&M dollars will allow those things.

It's another piece of the organization. And again, I don't mean to throw anybody under the bus, but it was very enlightening for me that I'm statutorily responsible under NCLB for everything that is related to facilities, but I don't control any of it. There's a part of our organization called the DASAM, which is the Deputy Assistant Secretary again, for Administration Management. And under that is our facilities office. So you have the DASAM, you have BIA, which does a number of pieces of work for us in BIE, then you have the BIE. And in that DASAM are a number of administrative and management functions that are completed for the BIE, but there is no line item over to the director of the BIE.

So it's very interesting for us, and we are trying our best to address our situation so that we can have more of a work and development process and how that happens within schools around the facilities. Probably the number one issue we hear from folks in the field we go out is our facilities issues, whether it's a shortage of O&M dollars or the school construction issue, or whatever it may be, this is one of the number one issues. So we really want to address the situation with folks at the tribal levels, school level.

Lastly, or secondary, as you know, the flow-through money for tribal college, tribal colleges and universities and then we have Haskell and SIPI. And right now we're getting ready to interview for the Haskell presidency position and we just had a really sound report back from our SIPI accreditation process. Accreditation at SIPI was bold, and they were given clemency level, and this year we tried to go to work on -- well, not try, we did go to work on addressing on a number of the issues in that accreditation report that was, where we were delinquent and we were falling short. So we're on a process to, over some of the next ensuing years to address some of our issues in accreditation. And like I said, in March we had a very good solid report back. Dr. Allison and her team at SIPI have really done a nice job over this first year of trying to address a number of issues.

And then Haskell presidency, there's been folks who are a little bit I would say, probably upset with us with our tie line. We had to play through a process with the previous president in terms of how she resigned, and there was a process for her, how she was removed from her presidency, and there were problems there, and we had to play it out legally. And it took a long time. Then you have to list the job, and then there were a number of pieces where we got to March and April to naming the presidency, and we just felt that it was best to wait until the end of the school year, because it's such a political issue in the field that if we named the president in March or April, the blog would heat up and the paper would heat up, and it would just -- we didn't think it was good for students, trying to wrap up their year, stay focused on their classes when we knew that this was going to be such a political issue. So we've purposely waited the last couple of months to this point to be able to do interviews and name the president here in June for Haskell. So those are the things that we're addressing there.

And we really would like to talk about how -- folks talk about the bureaucracy that holds back Haskell and SIPI, and we'd like to talk about going forward there will maybe possibly be tribal management of those universities with tribes or a group of tribes, or however it may be, to take control of those schools, just like we do in our tribal grant schools and tribal colleges and government-run those universities. It's been -- they've been flat funded since 1990. I don't know any organization that's probably been able to operate and run on the same funds that they've been receiving since 1990. But these two universities are operating on the same dollars that they were receiving back in 1990, and it's getting very difficult, obviously to run two universities on the same amount of money that they've had for the last 21 years. So there are a number of issues there that we need to address, and we're trying to do our best to devise a plan going forward of how we do that.

And with that, I'll close. I don't know how much time I have left, but most importantly, I'd love to take your questions and answers. And for folks -- I don't know everybody here, real quick, my history is I'm a Rosebud tribal member in South Dakota. I've been a teacher and a coach -- I was a teacher and a coach for a decade, and schools, school administrated and directed the Office of Indian Ed in South Dakota, and then before coming here I was at the University of South Dakota as a chief diversity officer, which was really recruiting, retaining, and building frameworks of success for Native kids that were coming into the university system.

So once again, I've been in education over 20 years, and it's been just a great experience for me all the way. And to be able to sit here is just an honor to work with you folks and to be able to address educational issues at this level for our kids and our communities, it's dear to my heart, and I just want to do a great job while I'm here in terms of what we do in BIE and provide good leadership, and hope we can get on track with a number of pieces for our students again.

I tell Brian over and over, whenever we go out, that we just want folks to understand that we want to address our students, our learning. It's the only way we're going to revitalize our communities is to really go to work on a number of pieces in our schools and put students in the middle. So thanks for giving me a chance here with your group, and looking forward to taking some questions.

MR. ACEVEDO: Keith, thanks. First question? Sam?

MR. MCCracken: This is Sam McCracken. Pleasure to meet you in person. I've heard a lot about you. As you showed your intergovernmental relationships, I noticed that the Indian Health Services wasn't up there, so I was wondering if you could share with us what that relationship might look like, because I think that the health and well-being of our students is part of building a successful individual.

MR. MOORE: Thanks, Sam, and that's probably two I probably should have had up there -- IHS and SAMHSA as well, with the suicide issue of mental health and issues of our students. Right now, we just found out the other day, that a few years ago the IHS actually had a position or two -- I don't know if it was two or one -- but that they wanted to fund and give to the BIE, and for some reason the BIE said no, which is unfortunate for us, because obviously health and wellness is essential and key. And we've worked and visited with Yvette obviously through Let's Move in Indian Country, but we would like to

have a broader discussion about how we would work with IHS in terms of addressing health and wellness, and like I said also, our mental health issues of our students.

So I know the plan was that we were going to -- and I don't think we were going to get it in place as quick as we wanted -- the Suicide Summit and Let's Move and PALA, and there were a number of pieces where we're visiting with IHS, but we haven't been able to formalize what a relationship would look like between the BIE and IHS yet, but I thank you for asking that, because it is one that we should be addressing.

MR. COOK: Yeah, hi, Keith. This is another thing that I wanted to just kind of -- when I was looking at the collaboration, the IHS of course, is so important because of the behavioral health issues. I know at some schools we have one school nurse for a thousand students. I think of a lot of different ways that we could work in collaboration with IHS, and also bringing in social workers and clinical psychiatrists so that the suicide/behavioral health issues. But I think another important partnership, too, and I know there's so much on your plate and everybody's -- but also Department of Labor is another real important one because of the job skills, technical education programs that need to be implemented in our skills -- I mean, just preparing for that workforce development is really important. Department of Labor, they oversee those job corps programs, and they do a really great job. But I think when you look at the overall number of kids, we're missing a big chunk of those students who are not getting those skills necessary to be successful, job skill ready, job readiness, and I think that's important, too.

MR. MOORE: We're hiring a partnership position. We have hired a partnership position that'll start May 6th with us, right Brian? Her name is Cheryl Arviso. She's a Navajo tribal member, and we're really -- this piece of it is really going to grow over us, because she'll bring obviously a wider vision than we've been able to give to this, just Brian and I trying to manage our partnership. Actually having a person leading that charge is going to be great for us.

So we're hoping that actually -- we just are hiring a position right now that in time we'll be able to do our organizational assessment. This may be something that grows for us as our partnerships develop not only within government but private as well, because we know that there are a number of places that we could really strategize about going forward about our partnerships in the BIE.

MS. BUTTERFIELD: Yeah, I wanted to ask a question about the school construction backlog. In the most recent Senate committee hearing, I thought I heard Larry Echo Hawk say that they had pulled money out of school construction in favor of putting it in tribal priority allocations, I think. But I was really concerned about that, because that continues to be one of the top concerns that we get from NIEA's perspective, is to try to whittle away at that backlog, and to be taking money out of that seemed stunning to me. And what are your plans to move forward with school construction? I think we're what, 60 schools at least down on the list?

MR. MOORE: And you're right, Robin. We have a 1.3 billion dollar backlog right now. We've zeroed that, zeroed out. And again, it's one of those pieces. I always say this really, tackling it as professionally as I can. It's one of those issues, Robin that we policy-wise have no -- there's no discussion around whether what's in there, why, going forward for us in construction. It's done in the DASAM. We really

need to address that issue, I said, at least conversationally. When we're talking about devising budgets and going forward and talking about those kinds of policy decisions, we should be in the discussions about what it is you're going to propose. Now, it wasn't put into TPA, but it was taken out and put into O&M. So what the thought that there was only like 8.9 million or something in there for school construction. So they made the decision that why only have 8.9 million? You could build a fourth of a school, third of a school for 8.9 million, put it in O&M so that we can address the fact that we're only funded at 47 percent of O&M.

Maybe you folks know that issue, but they figure out what we need in our schools for O&M at 100 percent rate and then we're funded at 47 percent. So the thought was, at least put that money in O&M so that we increase the percentage of O&M that is funded within BIE schools. Those kind of issues are huge for us in terms -- you're talking about O&M, or you're talking about tribal grant contracts for schools, because when schools can't meet, those dollars run out obviously, in a number of our schools. What do they dip into? They dip into ISI. It creates problems for us because we do audits and you're not allowed to do that and you have unaccountable costs and all of these issues.

So these are kind of budget policy decisions, Robin, that we need to have going forward about sharing with OMB and the Hill and folks about the struggles that we have and what it's going to mean going forward. Again, we haven't been able to have those discussions yet. We're not in those discussions, and so we're pushing for that to happen within our organization. Hope that answers your questions, Robin. I don't know if it did.

MR. ACEVEDO: So we have to keep moving. Alan?

MR. RAY: Yes, hi. I was on the accreditation team that visited SIPI last month, and one of the things that we heard repeatedly was their desire -- the laws have changed to permit them to engage in direct fundraising for their school and have their own bank account. I wondered if any thought has been given to the possibility of doing that, as you think about these reforms in tribal management?

MR. MOORE: Yeah, that's one of the big issues, because as federal employees, obviously we can't fund-raise. So then all the employees at SIPI are federal employees, so they can't go out and solicit funds and build foundations like normal universities can.

So one of the things that we've taken a look at, is Haskell has a foundation board that they've created so that they can do that specified item. It fell on hard times in the early '90s or so. There was some unfortunate embezzlement or fraudulent activities around. It really decimated that foundation and they haven't been able to get it back up and running. But it is one of the issues that we want to talk about how, in a federal system, do we run university systems that can build foundations and do work with private entities to be able to address a number of issues.

So yes, it is -- the other thing we'd like to do is, when we came on board, was that there was a whole arm in D.C. that was created to oversee the two universities. It didn't make sense to us, and I was just watching e-mails early on where we were being asked -- university presidents, you'd be amazed at the questions we were being asked; can I do this, can I do that, am I allowed to do this? So we really are

trying to eliminate that part of the work and free up our university presidents to do -- be autonomous and do the work on their own and be trusted to be university presidents. And then also, how do we again, devise our systems that SIPI and Haskell, to be able to function like really universities is going to be important going forward.

MR. ACEVEDO: Mary Jane?

MS. OATMAN-WAKWAK: Good morning, Keith. Thank you so much for your presentation. You've mentioned an out wing, a lot of concerns specifically around O&M facilities budgets. What do maintenance of efforts requirements look like for public school systems?

MR. MOORE: Clarify for me -- maintenance of efforts?

MS. OATMAN-WAKWAK: Maintenance of effort, and I'm thinking just kind of in parallel through public school systems and their requirements for impacting and the other federal funds where they have to prepare maintenance of effort requirements. Do the BIE schools go through that same process?

MR. MOORE: Well, they do the -- we have the FEMA system that they implement all of their pieces for facility, be able to address their facility needs. So schools feed the FEMA system with all of the pieces that they need to put in that calculates then what needs to be addressed in their facilities. It's an important piece of the work, obviously, and we wish we had Impact Aid and BIE, but we don't have Impact Aid dollars and BIE.

But that's important, because if schools don't do that, then their schools aren't addressed right financially with O&M dollars to be able to maintain schools. But the O&M maintenance issue is huge for us, because if you build brand new schools, but we're only funded at 47 percent, they deteriorate a lot quicker than normal schools that aren't being maintained. So it's really a big issue for us in terms of how we address this going forward.

And then we take it on the head from OMB, because our schools are deteriorating at a quicker rate than other schools, and they tell us that we're not maintaining them. And then our side of the fence, we're saying, we're not funded to maintain them. Our schools don't have enough money to maintain them. They're barely being able to keep the doors open to the end of the year. So these issues are big for us, let me just leave it at that.

MR. ACEVEDO: Virginia?

MS. THOMAS: Keith, this is Virginia. We keep on feeding each other. My concern, when you spoke earlier, something about -- two things, the student data system and the flat lining of the funding. I come from the JOM side -- you talk about flat lining. We've been flat lining since '94. And I'm curious to find out, you say the system has worked for Head Start of the student data process. Is there a step towards the accountability for the students who are attending public school that are receiving JOM funding?

MR. MOORE: We wouldn't be addressing anything in the public schools system through that Dashboard system. But let me say this about JOM. One of the things that we have, we'd love to see is a new count,

obviously. We haven't had a new count since '95, and we obviously know there are a lot more Native schools in the field, students in the field than what we had in '95.

So in order to be able to address the flat line issue of JOM, I think number one, needs to start with a new count.

MS. THOMAS: Would this be an initiative for this new deputy director or something in that line?

MR. MOORE: Well, I think it's a -- there would definitely be -- we already are advocating on behalf of a new count. We'd like to see a new count for JOM. I just think it makes sense. So that's number one.

MS. THOMAS: We'd love to work with you.

MR. ACEVEDO: Debbie?

MS. JACKSON-DENNISON: Good morning, Keith. It's good to see you again.

MR. MOORE: You, too, Debbie.

MS. JACKSON-DENNISON: I just wanted to first of all, commend you. I think you're doing an excellent job. But I also want to kind of piggyback on the question she asked about the disconnect between public schools and the BIE schools, and the tribally controlled schools, and the fact that we do need that database to connect.

And I know a couple of years back before you came on, members of the NESA board met with your predecessor and went over that need and very much so needed to connect because of the students that transfer into our school system in the public sector. It's very important to keep the board movement. Then, also the disconnect between the culturally relevant curriculum and the course standards that you use in the BIE, and then the -- I know you touched on the assessment piece, and the need for that but also the instructional program, and making certain that it's connected throughout Indian Country as a whole. I guess it's not anything that perhaps maybe you can do about, but maybe you can; I'm not sure. I just see -- I'm talking in general amongst ourselves as leaders on the NACIE Council, that we really do need to have a better connection with the BIE and the public school sector, K-12, because it's really hurting us when we see a fine gentleman like yourself doing all you can for the BIE but yet, we have this huge other component that's not connecting and we're not talking the same talk. So I just wanted to -- that's a comment on my path -- as a school reformist.

MR. MOORE: And thanks, Debbie, a lot of years, and done a great job. And I know as a superintendent and administrator in the field, that's the main reasons we joined CCSSO. I just think we have to start having these conversations about addressing the issues; number one being the data systems. And we have to be strategically smart about how we work on that, because we don't want tribes to appear that we're turning our student data over to state systems, but that this is a collaborative effort to be able to devise a strategic streamline fashion to be able to address educational issues between public and BIE schools.

So we know it's an issue. We want to address it, and I think the beginning at least having this conversation with state chiefs. One of the things we're working on organizing within that CCSO group are a set of meetings with the schools and the states chiefs that are where we have schools, to talk about just general, break down the barriers but start to have a conversation about all of the issues in those states.

MS. JACKSON-DENNISON: Just a follow-up comment. Part of the problem, and this is just in general again, is that those state chiefs sometime don't know about Indian education in the public school sector, so that's what we're really missing. I know in Arizona, that's the case.

MR. MOORE: I was going to say, don't want to throw anybody under the bus, but I could tell just with your state chief in Arizona at that first set of meetings at Indian Head, he wasn't up to speed on Indian Head. But that's a good spot for us to be able to educate him and to devise -- try to develop an ally and work well with him.

MR. ACEVEDO: Greg?

MR. ANDERSON: Hi, Keith. Greg Anderson. Going back to the facilities that we have, I'm co-chairing the NCLB School Facilities and Construction Negotiated Rulemaking Committee that we're working on facilities management now -- we're trying to address the issue with you not having oversight of O&M's responsibility, and we're letting you aware that we have drafted a letter, asking the Secretary to get involved and maybe help give you control over those facilities and more say-so in how the money gets spent. And that is a hard burden to bear, be responsible without a lot of insight into how it's run.

MR. MOORE: I appreciate Greg's time on that committee. He's put a lot of time and effort in helping us devise a new process for our facility, so I appreciate his time into that. And I appreciate the letter.

I've said to folks, I'm not a dictator; I don't need to control everything, but things need to work for us, and this thing here is just not working. And it hasn't worked for a long time, and our schools are frustrated, everybody's frustrated. It leads to poor relations when we aren't addressing some of these issues. So I appreciate the letter, and that makes the conversation happen at the level where it needs to happen to be able to address it.

MR. ACEVEDO: Alyce?

MS. SPOTTED BEAR: Thank you. You spoke about the failing schools, but within those schools there are students who are succeeding. Have you considered partnering with tribal colleges and universities to provide programs to nurture whole secondary goals among the elementary students?

MR. MOORE: Yeah, you're hitting on one that I think really needs to happen, and that's that. One area that we really want to engage tribal colleges is on the language and culture piece. We said our tribal colleges have been around, what, 40-plus years now, and we've had tribal grant schools since P.L. 100-297 language was enacted, over almost 25 years. And we're looking for programs right now, really where tribal -- one I think really is a huge issue is the tribal colleges help us develop curriculum and assessments for our language and culture programs. How do they help us in our schools devise those?

I can't find where we've done that, and we really need that type of partnership to address a number of these issues. I think all over the place, tribal colleges could be helping us on a number of those, whether it's in our public schools or teacher training around language and culture and what it means and how tribal colleges can help our non-Native or teachers that come from outside of our tribal communities to understand our communities and write a robust professional development program for that. That's a number one that I would love to be able to find a partnership in a way for us to work with tribal colleges on that issue. So yes, this is something that we would love to have a discussion with tribal college presidents about how we would make this look.

MR. ACEVEDO: Theresa? We'll do the last question, layover for Keith. I really appreciate it. I believe we've had good questions from Council.

MS. JOHN: Thank you for your work. I come from Alaska, and right now the University of Alaska has given out indigenous Ph.D. program grants the first graduates, Anchor. We have one tribal college up there, and we're partnering from the university level with school districts. Right now we're dealing with dynamic assessment. Many of our students still speak our first language, and we're developing curriculum that align culturally relevant standards that were adopted by Department of Education in the state.

And my hope is that that will also go from elementary to the secondary. Right now we're dealing with our school board members, who are saying, well, the NCLB issues are holding us back. But we're trying to turn that around and say our indigenous classroom scholars can help us to provide the needs of the students that are using their first language to be able to path the NCLB. And so I wanted to bring that up, and I hope that you can take some literature I brought from Alaska that we have developed, with the help of the teacher community members and administrators, and I applaud you for that, and I hope that the assessment will also elevate to the dynamic assessment, where our children will be provided materials they really need, in situations of where they have bilingualism. Thank you very much for your report.

MR. ACEVEDO: Comments real quick?

MS. BUTTERFIELD: Tom, I just wanted to follow up on something I brought this morning before the closing comments. And that is as we're going through listening to some of these presentations, can we make a recommendation at this time that can be entered into the record? Specifically, I wanted to follow up with the issue that's a policy issue in terms of coordination between you said O&M and BIE around school construction. I want to get that on the record while it's fresh in our minds. That is the type of recommendation that I think NACIE should be making to Congress, is that we need better alignment coordination authority from the BIE over O&M resources so that we can get the backlog of school construction attended to. So I just don't want to lose that.

MR. ACEVEDO: We'll go ahead and take that and handle it as a motion for a recommendation on that particular point. Is there a second to that?

MS. SPOTTED BEAR: I'll second.

MR. ACEVEDO: Moved and second. Alyce, any other further discussion? Hearing none I call for -- all those in favor of the recommendation, say aye.

ALL: Aye.

MR. ACEVEDO: Those opposed, same sign. Motion's carried; thank you.

MS. BUTTERFIELD: Thank you.

MR. MOORE: I want to say in closing, I never want to sound disparaging on anybody. We're all in tough work. If we're working in Indian Country, we have a lot of issues to address. And as I say over and over again, I don't mean to throw folks under the bus. I want to put issues on the table, rather than sound like I'm pointing fingers at people or blaming anybody, because I don't want to do that anymore. I think that's one thing that I want us to quit doing in Indian Country and around Indian education is pointing the fingers. We've done a great job of blaming everybody else. Schools blame parents and the parents blame schools, and schools blame BIE and public schools blame the state, and we all are arguing this, and deflecting, and all the while our kids are in the middle swimming in chaos. And I don't want to be a part of that.

I want to address issues. I want to try to do it professionally. I knew when I took this job, and I learned even more so when I visited with the Secretary, the urgency and the issues that he wants us to address, and that we have a Bureau that needs a lot of attention. And so I want to do that. I want to address a lot of these issues for us. I want us to try to be in a better place in a few years here under our direction and at the same time, I don't want folks to feel like we're blaming, we're pointing, we're throwing folks under the table. That's the last thing I want to do. I don't think that's how we get down the road in terms of addressing all of these issues, but at the same time, you have to put it on the table.

So it's a very delicate, touchy situation. I just want to leave you folks saying, I'm not a blamer, I'm not a finger pointer. I'm not trying to throw folks under -- trying to give you information so that we can address a multitude of these issues we have in our schools so that at the end of the day, we can get to the next level in terms of educating our youngsters, and we don't have a few succeeding in our schools, but we have a multitude succeeding in our schools.

So thanks for giving me a little time to share with you. Thanks for going overtime. And I will look forward to being on your agenda whenever you'd like me to be in the future. So thanks a lot.

MR. ACEVEDO: Thank you, Keith. We really appreciate the candid discussion you've had with the Council and the good questions from Council and your full comprehensive recitation. And you'll be on our agenda. We'll be out maybe in Portland this next time in November. Thank you so much.

MR. MOORE: Okay, thank you.

MR. ACEVEDO: With that, I'd like to move on to the budget service, the budget update from Michael Zawada, budget analyst and budget service.

MR. YUDIN: Mr. Chairman, may I make a note?

MR. ACEVEDO: Yes.

MR. YUDIN: So I just wanted to let Council members know that Charlie Rose actually listened to most of the conversation. Due to technical difficulties, wasn't able to participate. We're going to try to see if we can -- but he heard most of the conversation. He kept trying to interject, but apparently with little success. That being said, we're going to try to find some time for him to address you all.

MR. ACEVEDO: Well, with that, thank you.

Michael, the floor's yours.

MR. ZAWADA: So thanks for having me. My name's Mike Zawada. I'm a budget analyst. I'm in the budget office of the Office of Planning, Evaluating and Policy Development of the U.S. Department of Education. And so I understand that NACIE's, the members' experiences are varied. So please pardon me if some of the things that I say are simplistic or redundant.

I do want to thank Jenelle. She has been acting in the role of director of the Office of Indian Education for the past two years on top of her regular job of managing an office that has several programs. So I really appreciate all the work that she's done to help improve the situations for Indian students and the Office of Indian Education.

So I work on about a dozen K through 12 federal education programs, and some of those are -- those programs that serve Native students. So these are the elementary and secondary education Title VIIA programs, formula grant programs for the school districts, competitive grant program, national activities, Alaska Native programs, Native Hawaiian program, and then about half a dozen other non-Native programs. So that's basically where I'm coming from.

I'll be referring to the U.S. Department of Education as Ed. The Department of Energy beat us to becoming a cabinet-level agency in the '70s, so they are DOE, we're Ed. And so then, I'll just give you a run-down of the topics that I'll touch on, and I will try to be brief. So Ed's big picture, fiscal role in the U.S. education system: the federal fiscal year, the grants award cycle, funding types, the budget cycle and President's request; Ed's funding levels, past, present and future, performance measurement and some considerations you might find useful. Now, again, I will try to be brief.

So ED is responsible for about \$60 billion annually, and this amounts to about two percent of federal expenditures. And ED distributes those funds through grants, contracts, and loans. And outside of student loans for colleges, most of our activities at ED are around grants, and these go mostly to states, so state educational agencies primarily, or SEAs, school districts, a/k/a, local educational agencies, or LEAs, nonprofit and community-based organizations (CBOs), and colleges and universities, which we call institutions of higher education or IHEs. So ED's grants are mostly distributed according to formula, and those are directed by law and most of the rest are by competitive grant competition. So ED has a lot of competitive grant competitions, but the sum of those is not nearly as much as the

formula. It's something of the order in the K to 12 level of maybe eight to one -- that's just kind of a rough estimate.

In the K through 12 world, ED provides about a tenth of funding for public K through 12 education funding in the United States, and the primary sources are still local and state revenues, and those typically being property taxes and sales taxes, respectively, at the local and state levels. So ED is supplementing these funds, and primarily according to economic need, and so I think you're all aware. The federal fiscal year goes from October 1st of the preceding calendar year of the name to September 30th of the calendar year for which the fiscal year is named. So right now we're in fiscal year 2011, which began October 1st, 2010, and in October, which is less than six months away, we'll be in fiscal year 2012. So that's a quick note on fiscal year.

For the grant award cycle, Ed's grants typically go out late in the fiscal year, so typically June and July, and up until that point, we're working on grant planning from the previous fall. Program offices are doing that, putting together priorities for various notices, inviting applications for competitions that we have. For competitive programs, those occur late into winter. There's notices of inviting applications. There's then a peer-review process, field reading, scoring of applications that typically occur in the spring. Meanwhile, on the formula side, data is being collected on what census poverty data are, student counts, those types of things. The Office of Indian Education right now has closed the initial phase of the application for the formula grants, because we provide the districts and Bureau funded schools with a preliminary level for them to plan against, and so then that's going on in the spring, and then we get to the summer, where we actually make the awards.

So and of course, the program offices throughout the year are working on monitoring, technical assistance, and continuous improvement efforts, sometimes regulating, rule-making, and that type of thing. So there are several tracks operating at the same time. And the grant cycle itself doesn't really stop, and I'll get in a moment -- the budget cycle never stops, either.

For funding types, the simplest is annual funding, which coincides with fiscal year, which is from October to September. But you should also be aware that there's something called multi-year funding, where the funds are appropriated in one year but available through the end of the following fiscal year. And those are typically for state grants, or grants to states for formula programs. And it might not come up, but it's just something that I keep in mind, because when we're talking about any post-changes to programs, then we need to think about the implementation of those.

So the budget cycle never stops. We just finished the fiscal year 2010 in September, but we are still getting performance information from that and figuring out -- and grantees still have those funds available to obligate, to draw down, things like that, so that's an ongoing thing that program offices in particular, work with grantees on. Fiscal year 2011, I think you're all aware of the ongoing activity that has been going on in recent months, that Congress just finished working on that. And so ED hasn't been as operationally struggling as maybe other agencies, because our grants go out in the summer, but obviously 2011 is front and center right now. For fiscal year 2012, the President actually submitted his budget in February, so even before we had 2011 appropriations.

So from there, Congress is now working in the budget committees on their outline for the 2012 levels, and then the appropriations committees will take that in the summer and presumably the fall, because the intent is to finish by September, in advance of the October 1st start of the fiscal year. And so then the appropriation committees ultimately recommend those final amounts for -- in this case it will be 2012. And then meanwhile, shortly after the President submits the budget request, then program offices work on acquisition and spending plans, which is where programs where the Agency figures out what stability we have under the law and where we're able to make program improvements within the flexibility that we're allowed. So that's another thing that's going on.

And finally, 2013 is right around the corner. So you can see what I'm saying, the fiscal year never ends. There's multiple years, and so in my world, one of the biggest questions are not, what are we talking about, but when are we talking about? For planning purposes, change -- you need to get on the train early in order for things to really take hold, so that's just something that you want to keep in mind and that you want to kind of jump at future fiscal years as well as the current ones, too, in order to really affect change.

So as far as funding levels, the President submitted his fiscal year 2012 budget in February, as I mentioned, and the budget assumes reauthorization of the Elementary and Secondary Education Act. And the funding that directly or indirectly serves Indian students would pretty much continue at level funding, despite various legislative changes. So there's actually very little changes in that regard. For fiscal year 2011, again a week and a half ago, Congress House and Senate and President, came to agreement on the rest of this fiscal year. But we're still trying to figure out all the levels, because Congress didn't provide the Appropriations report tables that they normally would.

So I think that people are getting close to figure these things out, but of the things that we do know, Title VI Part A, so the Indian Education programs, are level funded with the exception of 0.2 percent rescission that applied to all the feds programs. And also of note, Race to the Top, investing in innovation in promised neighborhoods, are receiving funding in 2011, too, so these are some department-stake flagship programs. For 2010 --

MR. ACEVEDO: You may want to repeat that again, so that everybody heard exactly what you said about the funding for Title VII-A.

MR. MICHAEL ZAWADA: So Title VII-A, except for a 0.2 rescission, there is level funding for the VII-A programs.

As for where we are -- so for 2010 and what has happened most recently, ED provides about \$1.1 billion dollars of direct support to -- or actually as a direct result of American Indian and Alaska Native students, 229 million of that was as required by law, transferred to the Bureau of Indian Education at the Department of the Interior, and by far the largest pieces of that was Title I of the Elementary and Secondary Education Act and special education state grants under the Individuals with Disabilities Education Act. But the bulk of the direct support is administered by ED Reg and BIE and Impact Aid is one of the largest of that -- actually, probably the largest. Now, these funds don't necessarily directly serve the students, but they are generated as a result of tribal lands.

So the ESEA Title VII programs then add another \$190 million, and this includes the Alaska Native and Native Hawaiian programs that I also work on. The Higher Education Act, Title III, institutional and tribally controlled colleges and university, that program provided about \$60 million dollars; vocational rehabilitation for American Indians with disabilities was at \$37 million; and Native American career and technical information was at \$14.5 million. And then there are a handful of other programs that also have set-asides of sub-programs that serve Indian students.

So besides what we call direct support, then there's indirect support, which is funding that's not because there are Indian students, but rather that a student, that students come from families that are low income, and then therefore they generate Title I funds for the school district; or students with disabilities. This is not because the student is American Indian or Alaska Native or rather that they have a disability and they are a part of the count that goes for state grants for special ed.

So again, Title I and the IDEA grants to states are among the biggest contributors in direct support. And then the other biggest piece in direct support is the student financial assistance and student loans. And those include PELL grants, federal work-study program, and student loan subsidies. And these are tougher to estimate, and I also have disagreements of how some people estimate student loans. I don't think we should include loan volume, because they have to pay it back.

I got some more. I want to touch real quick on performance measurement. I can talk more about VII-A if you want to, if we want to get into more detail about that, but for now, let me just talk about performance measurement. So in addition to what we provide in the President's budget related to outputs, which are how many dollars are provided, how many grants we made, how many teachers are trained, things like that, we also focus on outcome data, which is how the dollars spent of the grants made, the teachers that were trained, have an impact on student achievement. And this is when we think about really what these funds are supposed to go towards, so in the end, what it is going toward.

And admittedly, especially at the federal level, it is very difficult to figure out what impact the funds are having, because there are so many factors involved, not least of which is the economic situation, not only now but at any point in time, and regional economies, local economies. Whether a factory gets shut down in a town that also affects what a school district is going to be able to do.

So the Government Performance and Results Act of 1993, G-P-R-A or GPRA, which was amended just last year, provides the basis for creating program-level measures. So I refer to GPRA measures a lot. And the key here is that these indicators are objective, measurable, and quantitative. And so we want to actually be able to chart out these levels. Again, sometimes the numbers jump around, depending on various circumstances, but we do want to always keep an eye in our budget, not only for the presentation, but also in our consideration, what these programs are actually supposed to be doing; where they're actually supposed to be moving. And we want to be thinking about what the student achievement and other indicators are for the children.

So I think some of the budget questions that you might want to ask, are -- you definitely can look at funding levels and the types of grants, and per student amounts, and are they appropriate given

what the intended outcomes are, both in the targeted sense of where the grants are being administered and also the larger sense of making an impact on a larger nationwide level.

Then obviously in a budget, it expresses values and priorities, and so you want to have, keep an eye toward priorities. Why recommend 'X' instead of 'Y' or 'Z'. And especially in a tight budget situation, but just generally, it's always important to think about your recommendations in terms of why this instead of something else; what do we know about this; what research backs this up. On that note, you can ask are investments based on research of wide applicability and solid methodology, or is it based on research that might have a bias towards a certain situation, where a sample size was not wide. Also, sometimes funding is -- obviously this happens in Congress -- but more a matter of pressures and popularity rather than good research or what sounds good. So these are also things to consider.

And then another question you might ask are, do the funding mechanisms and array of programs make sense and interact efficiently? Because like we said, Congress does appropriate a lot of different funding streams that impact Native students and all students, and so then we always want to look at, are there more appropriate or efficient ways that that can be done?

A couple notes. Education's obviously very decentralized, so ED is limited in what we can say to the public, and can't recommend curriculum, and our research standards are such that we don't really say that things are effective or not most of the time. But we can provide technical assistance and guidance and ideas. And so you probably want to think about your funding and other recommendations in the context of what ED can actually do in its current role. And push the edge of the envelope, too.

And I guess my final point is just to reiterate the idea that planning does take place very much in advance. We think that we just got the 2011 budget figures, and the 2010 grants are still active; yet, in a couple months we're going to be talking about 2013. You want to be thinking about how to roll out recommendations, and this doesn't only apply to NACIE, but I guess this could apply to the ED folks, too.

MR. ACEVEDO: Michael, thank you very much. Questions? Robin?

MS. BUTTERFIELD: Yeah, thank you, Michael. I have two questions. The first one deals with supplement versus supplant. And I'm thinking specifically about Title VII. I used to work at the Department of Ed level in the Title I office, and also was a director of a Title VII urban program for a while. And it seems to me in No Child Left Behind that the push for Title VII funds was to actually supplant activities in Title I; meaning that most of those Title VII dollars that were targeted to meet the educationally and culturally related academic needs of Indian children was moved into activities that were more like tutoring for math and science. And I thought that there was a stipulation that Title VII was not to supplant something that was already in place, like Title I. So that's one question.

And then the second question deals with a more recent development around the teacher training grants in Title VII. And it's my understanding that they weren't recompeted for this year. And I want to know what happened to the money that was supposed to have been available for the competition this year. So those are two very separate things.

MR. MICHAEL ZAWADA: Sure. So for supplement and the plan I think for all the rules related to that, we'd have to talk to the program attorneys. So I think that there was a misunderstanding in the wake of Title I, or in the wake of NCLB, that Title VII funds -- I don't know exactly how it occurred, but that there was an impression that the Department was saying that Title VII funds should be used for Title I, or encouraged, something like that. But I think that was bad information, and a bad -- just a mistake that the Department allowed to happen at one point. I think that is kind of -- but I think that if we can debunk that rumor, it would be good.

But yeah, I think Title VII says that it's intended for the culturally related academic needs. So I think that to my understanding, that relates to both taking cultural and element-specific to American Indian and Alaska Native students, and then trying to advance them academically, whether that is math and reading and science, or other academic subjects, but things within the context and education and things that would be within, I believe not only culture for culture's sake but culture for the academic advancement of the students.

MS. BUTTERFIELD: So basically you're saying that the supplement not supplant, is still in place for Title VII?

MR. MICHAEL ZAWADA: I'm --

MS. BUTTERFIELD: In my mind it was that Title VII is to be used in addition to Title I, not to take the place of it.

MR. MICHAEL ZAWADA: That's my understanding, yeah.

MR. ACEVEDO: Robert?

MR. MICHAEL ZAWADA: Oh, actually I think there's the second question -- sorry.

MS. BUTTERFIELD: Right, the teacher training.

MR. MICHAEL ZAWADA: High continuation costs, so there are the professional development grants as well as the demonstration grants are four-year awards. So just the way that sometimes these roll out, there were high new award, high levels of new awards in the last three years, so they're very small levels -- a very small amounts after those continuations for awards made in the last few years are left for new awards this year, and the Department's plan there is to fund the few awards that were able to down last year's slate.

MS. LEONARD: Yes. I wanted to finish answering Robin's question in terms of Title VII funds. They are supplemental funds, absolutely supplemental. And the applications that are received, some 170 this year -- when you go back and you look at the history of what's being funded, the supplemental funds, they tend to be mentoring, coaching, after school programs, some language programs, extracurricular -- well, you could say extracurricular, but also you could say elective forces in some schools. So it does supplement the poor education, and that's how they're being used. I think that's what you were getting at, Robin.

MR. ACEVEDO: Mary Jane?

MR. YUDIN: And I just wanted to just add to Michael's comments about the recompeting question, because I know there's been a lot of concern and both Jenelle and I and others have received a lot of questions about, it's not being funded, there's not going to be any competition for the professional development and the discretionary programs. And due to an administrative error, we were required to fund two additional grantees in both of those programs, and then add that to the continuation costs of our current grantees, there was so few dollars to actually won new competitions that we made the decision to actually fund the next highest applicants from the competition of last year.

MS. BUTTERFIELD: That's just for this year?

MR. YUDIN: Correct, assuming probations, that's correct.

MS. OATMAN-WAKWAK: My question is specifically around the evaluation of Title VII Parts A, B and C programs. Has that OI taken place so that the Title VII -- that they're speaking about, the culturally based education, is reflected in the national Indian education setting, because it seems to go -- we have no baseline for some of the national Indian education studies to show that our cultural, play space and language programs within the school settings is what is leading to core competency in some of those other academic fields.

MR. MICHAEL ZAWADA: So you're referring to the National Center for Education Statistic study, the NIES done by NCES, which is in IES? Okay. So that is looking at oversampling of American Indian and Alaska Native students, and it's basically applying the -- part 1 of it is applying NAEP math and reading to students to get a sufficient sample size so that we can record statically valid information. And so you're asking, does it look at whether or not those students are in environments where they're getting cultural-based education?

MS. OATMAN-WAKWAK: The reason I bring up this question is that it's an assumption throughout Indian Country that those national activities funded under Title VII would be used to research whether or not culturally based language programs within that school setting is what is leading to that core curriculum, academic assessments, other areas, instead of using it to just oversampling students for that kind of data that could probably be embedded within NCES and not using the -- the money that we could be using for research under national activities to correlate language and culturally based practices within the school setting, and that is what is leading to student achievement in these other area.

MR. MICHAEL ZAWADA: I think that the history of the national activities is that trying to get at first, what is the status of Native students. And so I think with the NIES we are at a point where we have some information, and I think that's something that we want to be able to continue, to have that information. As for additional research, if Jenelle and Michael want to talk about planning?

MR. YUDIN: Yeah. It's a really critical issue, and we need to have better information and data on exactly what you said there, Jane. And Jenelle and I have been working with the team to figure out how to use

the national activity dollars in such a way that you could get the exact type of information that you're talking about, how are these programs effective in due hands?

MS. OATMAN-WAKWAK: Just Mark, following up that kind of question about how we can restructure and regard those national research activities?

MS. LEONARD: And one of the things I want to toss back to Michael, too, because one piece that he said that he wouldn't go into further detail, has to do with the national activities, and he shared the information on how those national activities funds are being used. But I want to just piggyback on what Michael said, in that we look at the two sets of national activities funds, as the NIES study, NCS -- Michael correct me wherever I misspeak here -- and then there are the national activity funds that we set aside to do a number of other things that Michael will go into and tell you what we do at the national activity side.

The one thing that has come to our attention, and Mary Jane, you brought it up, too, and that is to look at the effectiveness of the programs that are being implemented under Title VII Part A. You have roughly \$109 million dollars going toward the farmer grant program each year. And we want to be able to say from the program, from the people who are out in the field doing the hard work of implementing these programs, what are some of the best practices? What are some of the lessons learned?

We want to be able to share the data. We want to be able to share it, covered with, to say, this is how these funds are being used in the 1,200 and so school districts across the country, that are serving Native American students. Then we have the other side of the coin, which is the discretionary side, and you have the professional development grants, where we're training Native American teachers to be able to go back into the community and be really high quality, effective leaders in the schools. So we want to do the evaluation; we want to do the research to say, these are the promising practices, and this is what this report -- this is what these grant dollars are producing. These are the products of these grant dollars.

We also want to look at the demonstration, because the demonstration grants fund early childhood, ages 3 and 4 type program, and the high school leading into transitioning into higher ed. We want -- those national activity dollars can be used to help provide the evaluation or -- and I'm going to stick with evaluation as opposed to research. But those are some of the things that we think -- we're trying to redirect those funds.

I know that whenever we're talking the budget, budgets always brings us back to the intent of the law, to the language of the law, which talks about collecting data and sharing it, sharing, sharing the data. So we're trying to turn the corner and get back to looking specifically at the issues that he brought up here.

MR. ACEVEDO: Robert?

MR. COOK: I've been in a classroom and teaching for quite a while, and I think that when you're talking about Title VII responsibilities of what it's supposed to do and what the law is and that, it'd be

interesting to like give a survey out. Because I think probably -- I wouldn't want to guess, but I'm sure a majority of school principals, teachers, and administrators don't even know what Title VII is. And so I know it's been an ongoing problem in the school districts where I worked at back in South Dakota, whereas our Title VII -- and I've been bringing this up for years now -- is our Title VII dollars are not being used and implemented the way that they are supposed to be implemented. The school district uses them to supplant what their responsibilities are supposed to be doing in education of all children, not just our non-Indian children but also American Indian kids.

And so they use our Title VII dollars to take our cultural resources specialists and put them in classrooms and tutor math and science. Now, if they're not going to be cultural resources specialists, then be honest and say they're academic resource specialists. But what they're doing is they're using our Title VII dollars to supplant what the school districts should be doing. And I brought a video from the Rapid City School Board to prove exactly that they receive technical assistance from the Office of Indian Education and said, oh, you have to use your dollars for academic resources. It's right here on the public school board meeting where they receive training.

So my question is, what can we do to do a better job to be able to utilize those dollars in what they're supposed to be doing, and provide those services for our kids, so we won't have -- we say over and over that culture helps our kids to do better in school, and it increases attendance. We have all these different things we've been saying for years, but yet we're not walking our talk. And our schools are out of compliance. They're not doing what they need to be doing.

MR. YUDIN: So, yes, we absolutely agree.

And, you know, from the Office of Elementary and Secondary Education we are right there with you. These are supplemental dollars and they should be supplemental dollars. You know, Title I, local there are, you know, these are supplemental on top of that, right, and they should be using local dollars to per core instruction. We value your input and your recommendations on how we can actually get this out into the field to make sure that we're all on the same page with that issue.

MS. LEONARD: And a number of you were with us October 4th and 5th when we were in San Diego in IDA and you heard a number of Title VII coordinators speak to the same point, which is they pretty much Mary Jane, you were there with us, yeah. So they are, they pretty much say that the universe knows that there are 1265 grants as of last year and they know that ED does not have the human capacity to monitor all 1265. So a lot of what Robert is saying does happen. So you have school districts that may be out of compliance. And because I think in a given year -- I'm going to let you do the math -- we may be able to successfully conduct 25 site on-site monitorings out of 1265. So it's hard for us to -- but we haven't been able to really figure out how to effectively tap into all of those school districts to see exactly what they're doing and how those funds are being used. So maybe one of your responsibilities as a Council is to help us think through ways of strategies for how we can ensure that the concept made available under the Title VII program are really serving the students that it was intended for and how we can better do that.

I can say to you that what we have thought about in terms of technical assistance is trying to use the technology to have a superintendent's one-on-one because a lot of times it is just a matter of pulling those superintendents together and going over the statute and saying these are what the funds were intended for and the Federal Government is really going to follow-up on this and see that these funds are used for the intended purpose.

We also are thinking about having a program coordinators' meeting because oftentimes the person on the west coast doesn't know what the person on the east coast may be doing and so they can share information across -- with each other, so creating communities of practice, ideas like that, certainly sharing information.

I would say to you that there's a lot that can be done, there's a lot that needs to be done, and we can learn a lot, we can share a lot, and we can look at and identify, better identify where the effective pieces are so that for those that are not we can focus on and begin to make improvement across the board.

UNKNOWN SPEAKER: Just like

MR. ACEVEDO: Just a second. The chairman would entertain a motion on the recommendation that there's just (inaudible) board.

MS. BUTTERFIELD: I think one way to attend to this issue is to attend to it at the level of Title I, which may sound a little odd because so much of what happened in terms of, in my uniform language, correcting the intent of Title VII happened because of the language that was written in Title I under No Child Left Behind. What I observed when I was working at the local level was that the language around trying to develop school-wide funding streams Indian Ed dollars got thrown into the mix without really thoughtful consideration about the intent of Title VII different from Title I. So to me, a recommendation to help solve the problem is to make sure there's language in Title I that very strongly advises the Title I folks that they are not to use Title VII dollars to supplant that service. And so that would be a recommendation that I think we could make that could be just clarified in the authorizing language and the current language in terms of difference, the intents of the two programs.

MR. ACEVEDO: It's been moved. Is there a second?

UNKNOWN SPEAKER: Second.

MR. ACEVEDO: It's been moved and seconded. All those in favor of the motion signify by saying aye, excuse me. Any further discussion? Okay.

MS. JACKSON-DENNISON: Thank you for that, Robin. That's something that I really like, too, but it goes even deeper than that. And I don't know if it's coming up in our next presentation under Title I, but many times as I alluded to in the last presenter a lot of the misunderstanding happens at the state level with our chief officers, our chief superintendents or whatever their title, and not understanding any education issues and not understanding the difference between -- I mean, speaking on Arizona in itself, just understanding the dynamics of programs and uniqueness of programs and the assumption to be

made at that level trickle down to district levels. But the -- so that was my -- and I had another question for Michael but this is in line with the motion that was made, I strongly support that. But it's almost -- there needs to be a level of education at the state level between Title I and Title VII and all these title programs and how they collaborate information work together without supplanting.

MR. ACEVEDO: Any other discussion on the motion and second?

MS. BUTTERFIELD: So can we just expand the recommendation that it not just be in the language but that there also be maybe technical assistance and guidance be given to the state in terms of spreading the word about the distinction between Title VII and Title I? I mean, I know more

MR. ACEVEDO: (Inaudible) the second agreed to Spanish.

MS. JACKSON-DENNISON: No, I was just going to say added to that comment is we can have laws at the state level that hinder like English-only and those type of laws that different states may have that other states don't have. It just makes the practice more harder to implement Title VII funds in the right way and even though there's just this disconnect that I keep talking about that needs to happen at the state level.

MR. ACEVEDO: Anything you have?

MS. THOMAS: I have a comment on this. I agree with the motion and I will vote in the positive on it but my concern is back to the grass roots of this is that, you know, we all know this. We all know that the way things are written in the Title VII that it's not always implemented this way and unless they're really hard to (inaudible) all show up they just snap right to it because they want to make sure that everything is there. And I think that, yes, there's both cases of education going on at the state level as well as the other portion but there should be some accountability there, but it's written in the program. They write the program as well. And we have to admit it. It's in there exactly how it's supposed to be. It's not carried out in the way that it's supposed to be. And, yes, and we can't send them to every school but there has to be some type of accountability that I'm sure is already in place that says what the results are of these goals and objectives that are written into these applications that they have to meet but they're not being met. And they're just writing them off as being met when they're not -- not at all.

And so there has to be some type of accountability. I don't know if you want to put it in as part of this motion or if you want to make it separate, but it's beyond just for us just to count them or to educate them because they're going to do what they want. And the problem is they're especially on my side of this, when you come down to the J-1 portion because we are, you know, supplemental too and so they always try to pass everything that they can over to J-1 and we get the least amount of funding from all the other title fundings that come in and try to separate this, so it is really difficult. But I believe there should be some type of accountability to what if they write it this way, they're using it the way they're supposed to be doing it, then there would be no problem, but they're not.

MR. ACEVEDO: Okay.

MS. JACKSON-DENNISON: Okay. Well, that's exactly where I'm going with this is that in -- I'll use using Arizona. That's the state I'm coming from. They submit a plan. This has been an issue that I've had since I was a federal projects director for a school district prior to being a superintendent, but when the plan is submitted from the state level to the Federal Government in which case Arizona -- Arizona Learns there needs to be that accountability written in for schools that served high numbers, that serve Indian education, that have Indian students in their state. And I know Arizona is a large one. That's been a problem that I've seen in Arizona learn in Arizona Learns is that they this is the approved plan that the Federal Government that the Federal Government accepts from the State but yet it's very general. And it's not specific to the needs of Indian students in the state to there (ph) and it's there's really no accountability in Arizona Learns which is the submission to the Federal Government and so they go by that. And so the laws of the state kind of tend to supersede even though they're not supposed to what the federal law, so that's why I was talking back in November about how we had all these executive orders and from on Indian education, all these issues that are done by presidents, but yet it doesn't hold water because of the plan, the state plan that's submitted to the Federal Government that's proven. So the states go by that and so that's where a lot of the misinformation happens. That state plan that I've always felt like at this level of the Federal Government there needs to be someone here that looks at each of those plans that are submitted through Title I and through whatever the state plan is called for accountability to whatever it may be, Title VII, and it could be the Race to the Top. It could be any kind of thing that helps ensure that the different components of Indian education are really being implemented.

MS. OATMAN-WAKWAK: I don't know if at this point if it would be a recommendation but I feel the same concerns from being at that state level of looking through that language and seeing is there any opportunity, any grey area within the statutory language holding the plans at the local districts for the state for their continuous school and continuous school improvement plans. Is there any mechanism to tie in Title VII accountability in line with all of the other Title accountability mechanisms for those plans.

The language is extremely lacking. I mean, I sat down with our Title I director and he went through with a fine-toothed comb to find out how he could align. In Idaho a Title VII accountability in line with those other accountabilities at the same level it's just it's completely out there (ph).

MS. THOMAS: If I could make a suggestion here, we have the motion that's on the floor. Either we include something into this motion about the accountability on this, because right now it's just on the surface level, or we decide to do a separate motion and make it a separate thing. I don't know which is the pleasure of the Committee, but actually I think they should be addressed and it should come from this Council.

MS. BUTTERFIELD: My recommendation is probably to do another one in terms of accountability in general. I'm talking about the supplement to plant issue but there's to me, the accountability is are the intentions of what Title VII was designed to do, you know, being carried out and how do we know that. You know, I, as the director of Indian Ed for Oregon, also have the same concerns that MJ had and it felt like that there just was nobody overseeing, you know, what was actually happening with those

programs. But my experience in Oregon was that I did have one of authority. I could go directly to the superintendent and provide some oversight and guidance in terms of what they were doing with those funds and they usually well, in every instance, you know, that I followed up with I got some satisfactory movement on things. But that's not the case across the board with every state or, you know, within the times and states are different. So the authority of somebody working with the Indian Ed pieces is often undermined by the authority of other federal orients in the state.

MR. YUDIN: Mr. Chairman, just wanted to address a couple things. One, our next presenter is Carlos Martinez and he actually works in our Title I office so he might be able to answer some of these questions. And to the extent it's not, I think that we should have opportunities to further address, so whatever (inaudible). Thank you much.

MR. ACEVEDO: Thank you. If there's no further discussion on the motion on the floor and second, I'll call for a vote. All in favor of the motion signify by saying aye; those opposed same sign. There being none, motion is carried.

If I could indulge the Council, after we hear from Carlos Martinez on Title I maybe if that would be an appropriate time to talk about accountability teeth, I guess is what we're really talking about, right? That sound okay with all? And we'll move forward to Carlos to present student achievement and student accountability under Title I.

I'd like to apologize for not thanking Michael for his presentation and cogent responses to the questions raised. Thank you, Michael, very much.

MR. YUDIN: You're welcome.

MR. ACEVEDO: Carlos, you have the floor.

MR. MARTINEZ: Thank you. May it please the Council, Mr. Chairman, ladies and gentlemen of the Council, my name is Carlos Martinez. I'm the group leader for Standards Assessments and Accountability in OESE and my area is in Title I. Can you hear me? Very soft. Should I move to a microphone on the table?

UNKNOWN SPEAKER: Just keep talking. I'll get it for you.

MR. MARTINEZ: How's that? Thank you. I'm going to go through very quickly how Title I is funded and distributed, how it operates, how it should look at the local level, some of the requirements of the program per an involvement, for example, and how schools and districts are held accountable for the results of the Title I funding.

Title I, of course, is authorized under part Title I, Part A, of ESEA. It was last amended by the No Child Left Behind Act. It provides, and I should underscore because I was hearing the discussion previously, that this is supplemental federal funding to school districts and schools with high numbers and percentages of students in poverty. So the key factor and distribution of funds at all levels is the level of poverty in the community the school, the community and the state.

The design of the program is to provide -- and I emphasize again -- extra academic support and learning opportunities. These are for students that are struggling and that are at risk and are further away from meeting the rigorous state standards. The underlying idea of Title I is that students that come from economically disadvantage and from a community of poverty have certain disadvantages that while its need additional resources to be comparable in performance to their higher economic peers, I always struggle with this part because there's an assumption of differences in ability or capacity and I don't wish at all to have that idea promoted at any behind any podium. But the idea that there are disadvantages to being poor and school districts and schools have a responsibility to compensate for that.

So that means that the funding must be supplemental and may not replace state and local resources that the districts and the schools use to provide educational services to all students. So the best test for that is to ask for administrators is to ask what would be here without Title I funds and if there if there is a disparity then you are supplanting, but if with it you compensate and you add additional resources then you are, of course, not supplanting.

Given the size of the program there are 14.5 billion dollars distributed to the 50 states, the Districts of Puerto Rico, BIE, and the outlying territories. Since 1965, the first year of the legislation, 251 billion dollars have been appropriated. Title I serves 17.7 million students in more than 13,000 school districts and 51,000 schools. The majority of the students are in elementary schools and the ethnic and racial breakout shows us that two percent of the students are American Indians and Native Alaskan. Title I also serves three million English language learners compared to Title III. That serves .13 million English language learners. So I also wanted to emphasize, again, hearing the last conversation, that Title I services can be applied to language and culture services.

The money goes to districts through four formula grants: the basic concentration grants, targeted grants, and the educational finance incentive grants. The primary factor in all four formulas is the census of poor children ages five to 17. Again, I wanted to emphasize that poverty is the key variable in distribution of funds. The differences between these funds is to establish a floor or a minimum. So the basic grant requires a calculation based on a number of students. We call them formula students, which means our students in poverty in a district that are at least ten and that number is greater than two percent of the school-aged population and a concentration grant are given on the basis of a formula based on a number of poor students that are greater than 6,500 or a number greater than 15 percent of the school-age population.

These are both based on the same data except that the data are weighed so that districts with higher numbers or concentration or percentages of children in poverty receive more funds. For a targeted grant, that is based on a number of students in poverty in the district without being weighed and equaling at least ten or a number greater than five percent of the school-age population. The EFIG, or the Educational Finance Incentive Grants, are allocated to states in addition to the basic and formula grant and it factors in the state's effort to provide financial support compared to its relative wealth as measured by per capita income and the degree to which education expenditures among school districts

within a state are equalized. This is an attempt to help equalize the distribution of resources among districts.

So the department distributes state amounts to the districts using a weighted amount similar to the targeted grant formula. Once the allocations are calculated the state then comes in and adjusts our determinations to school districts. It must account for a newly created school district, for example, charter schools for reboundarying and these are sometimes not reflected in what the department uses for sub-state allocations and there has to be reserves for funds for school improvement, state administration, and where applicable the state academic achievement award awards program. Excuse me.

And now from the district how does it go to a school. The district determines which schools are eligible based on poverty rates. Again, the key variable is poverty and the schools are ranked ordered by poverty in a district. A school is eligible if its poverty rate is at or above the district average or 35 percent, whichever is lower. Higher poverty schools must receive an equal or higher amount per poor child than a lower-ranked poverty school and the district must serve all schools above 75 percent poverty before serving in specific grades bands. What that means is that districts have an option to serve students what they might consider high-need grade bands, let's say, elementary grades three to five, as opposed to the complete schools in the whole district. So they can go by either grades bands or schools but they have to serve all schools that are 75 percent.

The district applies for these funds to the state by submitting either a Title I plan or a consolidated plan which ESEA uses of some or all federal SEA funds. This is critical in the state to look at how these funds are consolidated. And I'm not an expert in this area, but my limited understanding is that if you consolidate these funds under Title I they have to follow Title I rules. So it is up to program people to advocate, to make sure that the essence of the program, particularly language and culture programs, is maintained. There is specific legislation on consolidation for Part C, the migrant program where migrant student special funding is not lost in a school-wide program but specific programs for migrant students is identified and maintained. And that same kind of advocacy might be appropriate in Indian Country to make sure that the students are served in an appropriate and culturally sensitive manner.

So decisions about activities that Title I supports in a school year are made at the local level and during the process of developing the plan these are refined as needed at the state level and the state finally approves the grant or the process. The plan could include, for example, description of program services to be provided, how the program services will be coordinated with the district's regular program of instruction, additional assessments if necessary used to gauge program outcomes, which to me might be another good spot for the Native community to assert some influence in saying that there should be additional assessments to measure culture and language, and strategies used for professional development, another area where the needs of Native American students could be addressed.

Program operations. There are two types of Title I schools: school-wide and target assistance. A school-wide program requires a poverty rate of 40 percent or more to use as federal to use as Title I

funds and they can use other local funds to upgrade the educational instructional program for the whole school and improves the academic program for all students. So to operate a school-wide program, the school must develop a comprehensive plan to improve teaching and learning that meets requirements of 1114 and 200.27, subsection 200.27 of the regulations.

The target assistance otherwise a school must identify students who are at risk or failing and then they have to conduct a comprehensive needs assessment of the children as identified and design a specific academic program that meets their needs in accordance with Section 1115 of Title I.

Districts have the flexibility in designing their Title I programs by deciding what specific activities to support with their Title I resources. Districts may use Title I funds, for example, to pay for direct instruction, purchase instructional materials and equipment, and provide instructional support services. The Title I funds, of course, must meet the intent and purposes of Title I. That is, Title I funds must support teaching and learning of at-risk students so they can acquire the knowledge and skills needed to meet challenging academic standards developed by the states. This is not an easy program objective. The state standards have all been developed and approved by the department. We examine them in reading, mathematics, and science, and that will be the ultimate judge of how the program is performing or evaluating its outcomes.

Title I funds may not replace or supplant state and local funds that would in the absence of Title I otherwise be spent to provide children with educational services. And there's also an OMB Circular A-87 which applies to all activities supported with federal funds that must be reasonable and necessary to the success of the program and not prohibited by state or local laws, regulations, or policies. I think here we come into a point of tension with states that have, let's say, English-only laws, that prohibit studies of ethnic cultures and, you know, I think they can be resolved when you look at how these this type of instruction if it's not directly instructed at least folded into the general curriculum can really benefit Native students.

I was thinking of not presenting this part but then I realized that there are, I'm sure, many Native American students in private schools. So, in general, the principal is that the funding is generated by poor students, whether they go to public schools or private schools. If they go to private schools they get comparable services that a student would get in the public schools. There's some very difficult, for administrators at least, requirements in making sure that it's in a religiously neutral environment and that it is not part of the general curriculum for the school and that the resources aren't used for non-Title I students. For example, I've been in cases where whiteboards have been installed in classrooms and that was in violation of that because those classrooms are private property and the whiteboard belonged to, of course, the students that generated the funds for it.

I'm sorry. I was a little bit off tangent there, but the school districts are required to provide equitable services. They're available to students, their teachers and families, and that the LEA must make sure that these are equivalent to what public school students, teachers, and families would receive. To be eligible a student must reside in a participating attendance area and selected on the basis of academic need the same way that public school targeted assistance students are identified.

The districts are responsible for the design and implementation of the program in private schools. The services are under the control and supervision of the district. District maintains control of all materials, supplies and property, and the services must begin at the same time as public school students. And I've repeated over and over again the key word here is "services." No public funds are distributed to private schools. They are either used by the district directly or through a third-party provider.

Consultation in public schools and private schools is very important. The district must consult with the private schools in a design of the program. This consultation must be timely and meaningful, must take place on an annual basis, occur throughout the school year, and must occur before the district makes any decision on the opportunities of private schools to participate.

Accountability. States must develop and implement a single statewide accountability system to determine whether all districts and schools are making adequate yearly progress toward increasing their number of students performing at proficient and advanced levels on state standards. That pretty much captures just about all the accountability requirements. Key there are the state standards and at proficient and above. And the delicate thing that requires attention from the Native American community is the relevance and usefulness of the assessments that are used to measure progress toward those standards.

The states must set annual targets for the proportion of students that are expected to be performing at proficient and advanced levels in the subjects of reading, language arts, and science. Science is not used for accountability but reading, language arts, and mathematics are. There are annual targets that need to be applied and reached by schools and they are progressing to 100 percent proficient by the year 2014. And there are required increments of elevation of the steps every three years, so every three years has to be an elevation in the annual measurement and objective.

For schools and districts that don't meet the annual targets for two consecutive years in either subjects they're identified for improvement. The system of improvement is based on sanctions, let's say, at different intensities as the schools continue to be an improvement year after year. So if a school misses AYP targets in math or reading, language arts for two consecutive years, then they are identified in need of improvement. Students I'm sorry. Students in schools that do not meet the AYP targets for two years in a row are given the option of transferring to another public school and this public school has to be performing higher or better than the school that they came from. And districts must offer at least two options and the districts must pay for the transportation costs.

Also, a student is entitled to stay at that school for the complete range of grade levels at that school, even if the sending school has met improvement targets, but the parent has to underwrite the costs of transportation. The parents are then responsible for transportation.

If the school is identified for improvement ten percent of their funds must be directed toward professional development and as another and that a reservation must be specifically problems that cause a school to go into improvement, so as the subject area and maybe what specifically in the standards were not met.

If in the third year the school doesn't make progress, then the district must apply students from low-income families an opportunity to participate in supplemental educational services from the public school system or from a private sector provider which is paid for by the LEA. The difficulties for both these options in Indian Country is, of course, distance and transportation. There are providers who may not be willing to go into sparsely populated areas or a district might have difficulty finding a school that is performing better than the school need of improvement within, let's say, you know, 50 miles but the district has also set aside 20 percent of their funds or less, if they don't need that much, to pay for transportation of students who choose to transfer.

After four years a school is in corrective action. These changes are more profound. That might include replacing school staff, implementing a new curriculum, decreasing management authority, and appointing outside experts to advise the school. Another option would be to extend the school day or the school year.

If a school doesn't make adequate yearly progress for a fifth year, then the law requires a fundamental restructuring of the school either by reopening it as a charter school or replacing all or most of its staff. They could turn the school operation to either the state or private company and these have to have a record of effectiveness.

This language here is particularly on corrective actions that include a third party and reducing administrative funds and implement a new curriculum. So there are processes for appointing a receiver, a trustee to administer the school or the district. So the same sanctions apply to districts as well.

All teachers that teach the core, again, subjects must meet the highly qualified standard defined statute by 2002 and 2000 -- 2002-2003 school year. All teachers regardless of when they were hired receiving Title I funds must be highly qualified by the end of 2005-2006. Paraprofessionals have also a professional quality requirement and they need a high school diploma equivalent and two years of study at an institution of higher education or attain an associate degree and they have to demonstrate through an assessment their knowledge and the ability to assist with instruction in reading, writing, and mathematics. An exception to this are paraprofessionals who serve only as translators or conduct parental involvement activities and outreach activities and they must have a high school diploma or an equivalent, but they don't have to meet any additional requirements.

Parental involvement is perhaps one of the unspoken but essential requirements under Title I and it requires such parental involvement in every level of the program, development implementation of state and local plans, evaluating its effectiveness of the district's parent involvement policy, and carrying out state and local improvement provisions. So all the plans that we've talked about from parent involvement in the school, of the state school-wide plans, all the plans that go to the state should have parental input.

There are notifications that are requirements. There's an annual report card of how the school and the district are performing. There are individual student assessments that are provided to parents on an annual basis. That must be in a format and language the parents can understand and that is in the statute. There is a review of how the district and schools progress towards meeting AYP. They parents

need to be notified if a school didn't make AYP and is in some kind of corrective action or restructuring. Parents to be notified that they have a choice to go to another school and they have the option for their children to receive some of those services.

There are school and LEA involvement policies that need parental input and there should be a parent compact either at the school or district level that parents sign off on. There's a set aside for parental involvement. If a district receives a half a million or more in Title I, it must reserve at least one percent for parent involvement. Ninety-five percent of that reserved amount must be given to schools and use it at the school level for parent involvement activities. Districts that receive less than half a million must also provide parental involvement opportunities at the district and building levels, but they don't need to have that set aside.

These are a list of resources that could help you answer some questions and I'm at the Council's service for any questions that you might have.

MR. ACEVEDO: Carlos, thank you very much. I think due to the lateness of the lunch hour we're going to divert questions for you. We really appreciate your presentation to us. With the Council's agreement, we'll recess now and return at 1:25, 1:30.

MS. LEONARD: Actually, if you all could take a short lunch because Charlie Rose is scheduled to come on at 1:05 and we have a public meeting at (inaudible). So if we could briefly take lunch and have it scheduled and enjoy a wonderful dinner tonight.

MR. ACEVEDO: Those of you who can get back at 1:00 o'clock, please be back at 1:00. Thanks.

NACIE PUBLIC MEETING SESSION II, DAY I

MR. ROSE: All right, great. Well, sorry about the mix-up this morning. I did listen to the conversations. I simply wanted to welcome all of you on behalf of the Secretary and myself and thank you for and being here and conducting this meeting. I don't really have anything more to add substantively than what you heard from Don, Michael, and Jenelle this morning, but I'm more than happy to answer some questions that you may have.

I think, as Don pointed out, we are in the process of preparing a report from the consultations from last year, and we're also in the process of conducting some consultations this year that have a different focus than the ones from last year. As Don explained, that focus is to take a hard look at the situation of our Native American youths in regular public schools and primarily those schools in and around urban areas, so I'm more than happy to respond to any questions that you may have.

MR. ACEVEDO: Thank you, Charlie. Any questions of Charlie from members of the Council?

(Pause)

MR. ACEVEDO: Charlie --

MR. COOK: I have a question.

MR. ACEVEDO: Robert has one for you.

MR. ROSE: Okay. Hi, Robert.

MR. COOK: Hi, Charlie, it's Robert Cook.

MR. ROSE: Hi, Robert.

MR. COOK: Hi. I just returned from the American Indian Higher Education Consortium meeting up at Bismarck, North Dakota, and there was some discussion on the Executive Order from White House Initiative on Tribal Colleges and Universities, and I guess a little bit of a concern about putting everybody under one Executive Order, which would be the cradle-to-career kind of concept and having the senior policy adviser within there that would cover that whole area.

And I just wanted to maybe bring this up later when Bill talks to us on the White House initiative, but I think one of the things that I got from it is they wanted to know why there couldn't be two Executive Orders and keep the White House Initiative on Tribal Colleges/Universities separate because of the unique charter that it has with our Federally recognized tribes and the great momentum that our tribal colleges have been doing in those partnerships, and they're afraid that it would be lost in the mix of one Executive Order.

MR. ROSE: Okay. I can share some thoughts with you in response to your question, Robert. I think as all of you know that the Department we've been working with the Secretary in order to address the concern that's been expressed to us through the consultations and through the various organizations that we need to elevate the stature of Indian education at the Department of Education through a senior position. And we looked at a variety of options, and short of Congress amending the Department of Education's enabling statute to create a statutory position of Assistant Secretary, the only other way that we thought would provide that same stature but also provide that continuity or stability from administration to administration is through the White House's Executive Order.

And our thinking on this was to rather than create two Executive Orders to have, as you know, one Executive Order which would take the tribal colleges order and expand it to cover the entire spectrum of Indian education cradle to career. There's a couple of reasons for that.

I think number one is that expanding it in such a manner is consistent with I think our vision at the Department, but, more importantly, it's consistent with what we heard during the consultations that the Administration needs to have a focus on the entire spectrum of Indian education, like I said, from cradle to career, and having one Executive Order allows us to do that in a much more coherent manner than having two Executive Orders.

The second is that with one Executive Order we have expanded the scope, and I think by expanding the scope expanding the number of Native American youths that are affected by the order, but also it's much more inclusive in terms of the broad range of organizations and tribes that are

interested in the spectrum of Indian education. So we felt that from a scope standpoint whether it be political policy or otherwise, having a much broader, inclusive Executive Order would just underscore the importance of the position and the stature of the position that we're trying to create as opposed to two separate Executive Orders. So those are the two basic reasons that I think are driving us to have one Executive Order as opposed to two Executive Orders.

That being said, I think it's very, very important to recognize that by no means is it our intent to diminish or undermine or in any way create obstacles to the work that is being done in tribal colleges and, as you said, Robert, the momentum created by tribal colleges. We frankly think by having a broader Executive Order it will strengthen the work of the tribal colleges and allow us to augment it because it puts the tribal colleges squarely into that spectrum of cradle to career, and it begins to allow people to think of tribal colleges not as simply one isolated part of the education spectrum but as an integral part of the overall spectrum, so it has that integrated effective that we were trying to accomplish.

With that, I'll stop. I don't know if that responds to your question, Robert.

MR. COOK: I just think that there was -- there was a real concern that -- when you look at the whole history of Indian education, we wouldn't be -- we wouldn't have these programs within the U.S. Department of Ed at Title I, Title VII, all the things that we do if it weren't for those sacred treaty trust relationships that so -- that protect the integrity of our tribal nations and our sovereignty under those treaties. And I just hope that whatever happens it can keep that in mind that --

MR. ROSE: Yes.

MR. COOK: -- that's the whole basis of everything that we have is those treaty trust relationships and what our tribes and what our tribal colleges stand for with that sovereignty issue and being those grassroots communities, and, hopefully, it doesn't get in the mix of competing for dollars against schools that may say have a Indian education program and take funding away from our underfunded tribal colleges already just because they have more technical assistance, and that too. Because I'm a --

MR. ROSE: Yes.

MR. COOK: -- a tribal college graduate, and wouldn't be at the table here if it wasn't for my experience in tribal education and going to our tribal colleges. So I just felt really -- listening to what they had to say it really reinforced my own belief that we have to protect that sovereignty issue and what that tribal colleges are there to provide for, and that's that grassroots education.

MR. ROSE: Right. Well, Robert -- I agree with you, and again, expanding the Executive Order isn't going to diminish those protections. I think if anything expanding the Executive Order and -- at least the expanded Executive Order would reference those trust responsibilities and those treaty rights. I think expanding it arguable is an acknowledgement on the part of the Administration that those trust responsibilities and those treaty rights extend well beyond tribal colleges and universities. So that's really the intent.

And we obviously can continue the conversation with NACIE as well as the entities that represent tribal colleges because we don't want this to be viewed as an erosion of the commitment or in any way diminishing the momentum that you described earlier that tribal colleges are making in this country.

MR. ACEVEDO: Charlie, Robin has a question.

MS. BUTTERFIELD: No, it's not a question. I think Charlie actually addressed it. There is a lot of issues at play I think with the notion of having an elevated position in the Department of Ed, and I think that NACIE also recognizes that we're here to serve the broadest constituency possible, and it's been brought to my attention that over 80 percent of Native children attend colleges and universities outside of tribal colleges.

MR. ROSE: Right.

MS. BUTTERFIELD: And I think in looking at the broad spectrum, again, the way Charlie explained it it's my understanding that we would have an expanded charge to address the needs of all those children --

MR. ROSE: Right.

MS. BUTTERFIELD: -- and it shouldn't be viewed as separating out or dividing sort of a system is to look holistically at how to address all of our kids' needs.

MR. ROSE: Yes. Robin's point is one that, again, is something we're trying to accomplish, and she stated it much more eloquently than I was trying to do. But similarly, it's no different than the approach to in K through 12; only 7 to 8 percent of Native American youths go to BIE-operated schools. The other roughly 90 percent are in regular public schools, so, again, expanding the Executive Order is designed to be more inclusive and put the Administration's resources or the Federal Government's resources more generally to work to benefit all of the Native American students no matter where they may be going to school.

MR. ACEVEDO: Any other questions for the Council of Charlie?

(Pause)

MS. JACKSON-DENNISON: Okay. Charlie, hi, this is Debbie Dennison. How are you?

MR. ROSE: Hi, good. How are you, Debbie?

MS. JACKSON-DENNISON: In talking along those same lines, when you bring up the fact that it's no different from the K-12 where over 80 percent of the students attend public school, and in thinking with what was presented prior to our taking lunch with the Title I and Title VII issues, I'd like to make a recommendation. I don't know if this is the proper place to do it, but I'd like to see where when a state is considered the LEA -- in my view the state is considered the LEA -- when those plans are submitted to the Federal Government, the layer of accountability that needs to be in place is that schools' and districts' plans that are serving Indian students the Federal Government would like to see the Executive

Orders or the language in there -- accountability language placed so that somewhere at the Federal level we look at the state plans that are submitted that they take into account the Executive Orders, for example, the English-only law in the state of Arizona and I believe California. I don't know if it would be a percentage of Indian students that are served or what, but somehow there needs to be to protect Indian students so that when you have states that are fighting against ethnic studies or plans that undertake ELL issue that we're not put into the same box as immigrant students that come into our state.

And I don't know where that would come into play, but I think that's very, very important to do as we're going into the reauthorization of ESEA and also the importance of making certain that the states understand the relevant curriculum needs and then the alignment with -- that it all goes together. I don't know if I'm making any sense, but right now --

MR. ROSE: Yes.

MS. JACKSON-DENNISON: -- we have states that ignore the unique needs of Indian Country because they're so afraid of the flood doors opening with immigration and all that. I'm talking more from Arizona's perspective and how to address that with the reauthorization ready to happen.

And also considering the Race to the Top and all of that that's -- I know in -- particularly in Arizona, I was approached last March about how can we -- when Secretary Duncan put out that -- and I saw it way back happening maybe a couple of years back when he first came into office that states would get the Race to the Top funds if they were showing that they could meet the -- they could address the lowest performing schools. Well, that happens to be -- I know in Arizona Indian Country is the lowest performing schools, and so I knew it was just a matter of time before they came and said, "What can we do to" -- without that being in place, we wouldn't have ever been asked. So I'm looking at -- although Arizona didn't get to the Race to the Top funds, I'm thinking that some action needs to be put in place where that schools that serve Indian Country can apply for those Race to the Top funds too.

And so those are two of the areas that I'm really concerned with that need to be considered through the reauthorization again.

MR. ROSE: Okay. Now, Debbie, I think those are salient points. I think those are points that we as an administration need to address and include in ESEA reauthorization. I think that they are also consistent with the points that were raised during the tribal consultations.

I think if I remember right from this morning that Michael Yudin was going to talk specifically this afternoon about ESEA reauthorization, where it stands politically, where it stands substantially, and perhaps -- I don't know if he's there right now, but I think perhaps he can touch on those as well, or you can raise those with him during that session in order to solicit his feedback.

MR. ACEVEDO: Michael.

MR. YUDIN: Yes. Hi, Charlie. I am here. Yes, we can definitely open that up --

MR. ROSE: Oh, hi, Mike.

MR. YUDIN: -- we can definitely open that up this afternoon and have that full-throated conversation.

MR. ACEVEDO: Any other -- do we have a second to that recommended motion by Debbie?

MR. COOK: What's the question?

MR. ACEVEDO: Restate it.

MS. JACKSON-DENNISON: Okay. I'm asking that we motion that when the state plans are submitted to the Federal Government that within those state plans there needs to be a layer of accountability in place that a person or someone at the Federal level looks at the state plan and make certain that the needs of Indian Country students -- states that serve large numbers of Indian students especially school districts that serve large percent of Indian students take into account that Executive Orders or state law do not supersede Federal law as far as Executive Orders and what's out there already, in particular ELL and ethnic studies that are banned by particular states are not superseding what the Federal Government is requiring in No Child Left Behind or Elementary and Secondary Education Act as it's reauthorized, that those areas are taken into consideration and are not put in the mix of (pause) what's happening with immigration and all of that that's happening in particular states that are creating laws and whatnot that Indian students are not put into that same situation. And that there's a layer of accountability that is in place that the Federal Government before those state plans are accepted that it's taken into consideration that Indian education is in place there for those states. I don't know if that makes sense.

MS. BUTTERFIELD: I'll second that, and I think the language that I'm thinking you're searching for is that those state plans reflect accountability that recognizes tribal sovereignty and that tribes and tribal members are unique and different from other ethnic groups.

MS. JACKSON-DENNISON: Correct. That's similar, but also that -- I guess what I'm trying to get at is that the state is forced to look at the issues not just doing Race to the Top and trying to find ways to get funding for the state and all of a sudden looking at Indian Country needs, but that those needs are looked at prior to any kind of funds because that's the experience that I've had in Arizona is just all of a sudden they want to know how can we help Indian Country just because they wanted the Race to the Top funds. It shouldn't be that way. It should be at the very beginning. When those state plans are submitted, that's when you looked at what are the needs of Indian Country and not, "Oh, now we want these funds for the rest of our states, so now we'll look at Indian Country."

I don't know if that's making sense, but that's what happening.

MR. ACEVEDO: Further discussion?

MR. ROSE: No, I think that's makes sense.

MS. THOMAS: Just for clarification. It's the intent, right? Is that what we're dealing with this motion? It's the intent of the accountability? The intent to make sure the funds are going to where they're supposed to be going?

MS. JACKSON-DENNISON: That is part of it, but also it's more -- not just the intent but the diligence of states that have high populations of Indian students need not to be ignored.

MS. THOMAS: Mr. Chair?

MR. ACEVEDO: Yes.

MS. THOMAS: I agree with this motion, but I hate to repeat the motion, but I think we need to condense it. I love Debbie.

(Laughter)

MR. ACEVEDO: Someone want to take a -- or, Debbie, try to restate it or do you want someone else to?

MS. JACKSON-DENNISON: Let someone else. I started it.

(Laughter)

(Pause)

MS. THOMAS: Okay. I'll take a stab at it. I think we're recommending that state plans and district plans reflect accountability to the Native populations that they are required to serve and that those distinctions with Native communities are because of their tribal sovereign status so that in the beginning plans that need to be recognized and addressed. Is that...

(Pause)

MS. JACKSON-DENNISON: I think also we have several presidents that have done Executive Orders on Indian education that had to do with language and it have to do with curriculum and had to do with -- but those state plans should reflect the Executive Orders of both Clinton, Bush, all the administrations, Obama, that have done Executive Orders on Indian education that when state plans are submitted to the Federal Government need to take that into consideration and that that's a piece that has to be considered when those plans are accepted by the Federal Government.

MR. ACEVEDO: Does everyone understand the motion in the second now? Further discussions?

(Pause)

There being none, call for the question on the motion on the floor. All those in favor of the motion, signify by saying aye.

COUNCIL MEMBERS: Aye.

MR. ACEVEDO: Those opposed, same sign?

(Pause)

MR. ACEVEDO: There being none, the recommended motion is carried.

Charlie, do you have anything else for us? Or does the Council have any other questions of Charlie?

MR. ROSE: We just had a quick question for Debbie just out of curiosity. In Arizona, did the tribal governments institute a separate legal challenge to the English-only law?

MS. JACKSON-DENNISON: There again there's a big disconnect between the --

MR. ROSE: Yes.

MS. JACKSON-DENNISON: -- we -- the turn-over of tribal people is tremendous in that you get the ball rolling and then it ends. So there were several resolutions passed, but it never really got off its feet, and so it just kind of got stagnant, and that's why it goes back to -- again, I know there's a --

MR. ROSE: Okay.

MS. JACKSON-DENNISON: -- push for tribal control, but there is that disconnect again --

MR. ROSE: Okay.

MS. JACKSON-DENNISON: -- between -- so it never really got off its feet, but it was almost like monkey see -- monkey don't see, monkey don't -- or whatever that saying is --

MR. ROSE: Right. I know what you're saying.

MS. JACKSON-DENNISON: -- let's leave it alone and keep moving on and -- so monkey see, monkey don't do or whatever.

(Laughter)

MR. ROSE: Right. No, I hear you. Okay. Thank you. Anything else?

(Pause)

MR. ACEVEDO: Charlie, I don't see anyone else, so thank you --

MR. ROSE: Okay.

MR. ACEVEDO: -- very much for coming on the line.

MR. ROSE: Yes. Thank you, and again, I apologize for the --

MR. ACEVEDO: Just one second. Debbie has one more.

MR. ROSE: Sure.

MS. JACKSON-DENNISON: I have one more, and I don't know, again, if it's -- it kind of goes in line with the recommendation and the motion that just was made, but I'd like to see Indian land school districts, public school districts, or any type as we go into the Race to the Top -- and I know it was applications by the state, and I don't know -- I did ask at one point where we were with the school districts being able to apply for the Race to the Top funds because of --

MR. ROSE: Right.

MS. JACKSON-DENNISON: -- the issue that I just brought up, and I'd like to see that happen where a school system can apply for that. I don't know where we are in the process. I wanted to ask the gentleman that was here, budget I think --

MR. ROSE: Right --

MS. JACKSON-DENNISON: -- was something --

MR. ROSE: -- I can comment on that. The Administration, Secretary Duncan, wanted to see -- and, Michael, correct me if I'm wrong here -- wanted to see Race to the Top expanded to allow us to conduct a competition for school districts, but I don't believe that that expanded authority was included in the year-long continuing resolution that was passed by Congress last week. I do know that the continuing resolution when it came to Race to the Top added another assurance or a fifth assurance on early childhood education, but I don't think the basic authority of the Department with respect to administering Race to the Top was changed to include school districts in the competition. I think it's still just the state only. Is that correct, Michael?

MR. YUDIN: Yes, Charlie. That's right. We needed the statutory language in the appropriation bill to run a competition to the districts, and Congress didn't give it to us, so -- but it is important. The President has talked about it; the Secretary has talked about it, so for this current fiscal year, we don't have the option to open it up to districts, but I'm sure we'll keep pushing for it.

MR. ROSE: But they did push for it I know that.

MS. JACKSON-DENNISON: I guess that's where that previous motion is important than so that we're included in the process so that we're not last minute, "Oh, we need your information, and how can we help you and" -- just a comment.

MS. OATMAN-WAKWAK: Charlie, this is Mary Jane. I just wanted to on behalf on Indian Country because I know that there's been a lot of work and a lot of due diligence with the drafting of this Executive Order just thank you for taking this on, and you have I think let us know very clearly that you guys have felt some push back from a lot of different angles. It is a very controversial issue because of the passion with tribal colleges and universities presidents and administration, so it's long overdue. And on behalf of our community, thank you guys for moving this forward. In the time link that we have with the Obama Administration, I really feel like it's going to makes some systemic, incremental changes for Indian education policy reform.

MR. ROSE: Thank you, Mary.

MR. ACEVEDO: I echo that too, and, Charlie, thank you very much. Open to letting Charlie go?

(Pause)

MR. ACEVEDO: Thank you, Charlie.

MR. ROSE: Okay. Thank you all very much. I appreciate the time. Thank you.

MR. ACEVEDO: With that, I'd like to move on to Bernard Garcia's presentation on Formula Grant Programs.

MS. BUTTERFIELD: Just a quick couple of comments based on the Title I presentation. I thought we were going to entertain maybe some proposals related to that presentation before?

MR. ACEVEDO: We can go ahead and entertain that. Bernard, if you'll give us a minute again.

MR. GARCIA: Sure.

MR. ACEVEDO: I'm not sure we're going to get through this whole program today based on the pace we're setting everyone --

MS. BUTTERFIELD: Okay. Well, I have two recommendations that reflect something in Title I, and one is that I would hope that we could recommend that under the highly qualified criteria in Title I that we not restrict the use of Native language teachers, that that "highly qualified" language not be used to remove Native language teachers from our programs because they wouldn't qualify as highly qualified under that current criteria.

MS. OATMAN-WAKWAK: Just I guess a clarification for my interpretation of that was just in the core academic fields, and that the uniquely qualified is what our language instructors are usually under; highly or uniquely qualified is where our language instructors fit in. Because on the slide that he had showed in regards to the highly qualified criteria -- can you show that just with the core academic field? We're gone through this with our certification in some of our bureau schools for Native language instructors.

MS. BUTTERFIELD: Yes, I just want to make that that's our recommendation that that section of the law not restrict the use of Native language teachers. And if it doesn't, that great, but I think it has been used inappropriately then, so that's one recommendation. And the second one is --

MR. ACEVEDO: Excuse me. Let's take one each.

MS. BUTTERFIELD: Okay.

MR. ACEVEDO: Is there a second to that? Or is there further discussions -- first of all, is there a second?

MR. COOK: Second.

MR. ACEVEDO: It's moved and seconded. Discussion?

(Pause)

MR. ACEVEDO: No discussion. Call for the question. All those in favor of the recommendation that the "highly qualified" language not be used in detrimental manner that would disqualify language education as particular to a Native American language usage. All those in favor of the motion signify by saying aye.

COUNCIL MEMBERS: Aye.

MR. ACEVEDO: All those opposed, signify same sign.

(Pause)

MR. ACEVEDO: There being none, motion is carried.

MS. BUTTERFIELD: Okay. And then the second one really deals with the use of Title I funds for high school level. It's my understanding that -- and is our Title I expert here? -- is that there aren't very many Title I dollars available for high school use currently, and at given the prison-to-pipeline issues that we have and the dropout factories that have been identified and the fact that we have such incredible high dropout rate in Indian Country that there be some allowance for additional support funds for Native high school programs.

MR. MARTINEZ: First, let me add that it is true that Title I funds have difficulty being applied at high schools. One reason is -- it's almost ironic -- and that is that high school students tend not to report themselves for free/reduced lunch programs, and they're not in the poverty count. Other ideas that have been used on that is to qualify the whole family so that the upper level students won't have to report themselves as a certain degree of embarrassment. So the poverty level is undercounted in high schools, and the degree of poverty -- the proportion of poverty is the key factor in distributing the funds, and for that reason, high schools tend to be overlooked.

The proposal you're making, of course, would require statutory language to do that at this point. But I'd like to say that it is a very worthy and thoughtful recommendation to make sure that high schools, particularly in Indian Country, do get the resources that they need to institute a program.

MS. THOMAS: Mr. Chair?

MR. ACEVEDO: Yes, Virginia.

MS. THOMAS: I feel like I'm way back here. I just wanted some clarification. I'm really not up to speed for Title I, and in our PowerPoint, there was some comments or some statements made. One was that you had a five-year and a four-year corrective action for the schools. I got a question of that because I think four and five years that's a long time, but the kids who are affected are going to be gone out of that system.

The other thing was the 2 percent of the Native American students that are involved in this I think is extremely low for our accountability here.

And the other issue was the state-selected schools. I'm not familiar with this. The money does come from the state and the state selects which schools that the funds go to? Now what I don't understand is that if the students are counted toward this funding does that mean that the state still has the selection process to say that even though there are students that qualify for it at this school they're going to give the funds to this school instead.

MR. MARTINEZ: Where do I start. Your first question, I'm sorry, was about?

MS. THOMAS: Four to five year.

MR. MARTINEZ: Four and five year. The statute intends to look at schools as a unit of analysis, and they want the school to improve. Of course, the students in the schools move on, but usually the problems in the schools stay, stay behind. And that's why these long-term sanctions are put in place so that proper planning and implementation can occur, and it's stepwise. It increases in its degree of intervention, let's say, for the school to change so that the next generation of students can benefit from those changes.

MS. THOMAS: Has it worked up to this date to have this?

MR. MARTINEZ: Since the target for schools is always getting higher, it's really hard to tell what is due to that process; in other words, the more difficult target and actual changes that have an impact on students. There are studies been conducted by IES to address that, but the problem is, again, you study a group of students in a school; and then if the school is restructured, well, that school and those students don't exist as a unit any longer.

It is a very difficult question, and I don't have a definitive answer right now except to remind you that this process really looks at the school as a unit of analysis, processing changes in the school, and that's why those corrective actions take a long time to implement.

MS. THOMAS: Again, has it worked to this date to have those years?

MR. MARTINEZ: I'm sorry. I'm not. I'm not prepared to answer that.

MR. YUDIN: Can I respond to you?

MS. THOMAS: Of course.

MR. YUDIN: Thank you, Virginia. Actually, we believe that, no, this is the current law, and the accountability structure is not working for our kids, so I think it's fair to say that the Administration -- the answer is no. And we've done a couple of things to try to address that one as our School Improvement Grants.

We've received from Congress about \$4 billion, which is a lot of money, over the last two years to target dramatic and controversial interventions at the lowest performing schools so that there really

isn't the wiggle room to, "Well, I'm going to do this, and I'm going to do this over the course of the years." No, you have to put in place a school improvement plan that is rigorous and pretty prescriptive because at this point the Secretary has said, "You know what? We can't wait. These kids can't wait until that next generation."

So we don't believe it's working. We have our School Improvement Grants Program to address it. And again, I will get more into the accountability, and I'm happy to answer to answer questions that folks may have about our accountability proposals. But that's right on, we do not think it's working.

MR. ACEVEDO: We have a recommendation on the floor that funds be allocated for high school use, and the understanding is that it requires statutory amendment, so with ESEA under consideration, is there a second to that?

MS. SPOTTED BEAR: Second.

MR. ACEVEDO: It's been second by Alyce. Further discussion?

(Pause)

MR. ACEVEDO: There being none, a call for the question. All those in favor of the motion to recommendation signify by saying aye.

COUNCIL MEMBERS: Aye.

MR. ACEVEDO: Those opposed, same sign.

(Pause)

MR. ACEVEDO: There being none, the recommended motion is carried forward.

I think we're ready for Bernard.

(Laughter)

MR. ACEVEDO: We're only an hour behind.

(Laughter)

MR. GARCIA: Good afternoon. For those of you that I have not personally met, my name is Bernard Garcia, and I'm originally from the Pueblo Acoma in New Mexico, and it's a pleasure to be here among NACIE members. And those of you that have been with NACIE, welcome back, and I appreciate it very much.

My presentation is going to just to provide you quick updates of the Office of Indian Education, so I'm going to give you the basic who, what, where, when, why, and some highlights. I put down challenges on there, but I don't mean that to be in a negative framework, but when we get to that, we'll cover that with you.

Who are we? LEAs are your primary grantees. We have over 1,250 schools districts that apply throughout the United States. We've got the Bureau of Indian Education as well, both the operated and the contract and grant schools, and we're getting a number of the projects that are coming up from tribes applying in lieu of LEAs. So we have a number of those projects that are -- it's growing as well as we're working with our Formula Grant Program.

These tables -- they're to provide you state-by-state information with regard to the number of grantees we have throughout the United States and those particular areas, so you might want to pay attention are those areas from your particular state or a state of interest. The bottom line there in the bold is the totals is what we want for you to be aware about, and that has also increased over time where the number of Indian children that are accounted under this program has increased as well as our grantees, number of grantees that are applying.

And I think about a year ago, we finally got a little bump on our Formula Grant allocation, and so that is an increase there from previous years what we've had. We've always been appropriated, I guess, with the same amount. But like I said, about two years ago, we had an increase in our funding area.

I just want to also make you aware that even though we have the total number of Indian children counted under the program or the number of LEAs, like this year we have 1,275 school districts that applied in. But under that, there are also additional school districts that we work with, and these are school districts that are applying in lieu of -- school districts that are applying in consortium format, so there are additional LEAs that we actually are working with. So on top of the 1,275, we've got the additional LEAs that we work with built under the consortium plan. So we really do have a greater outreach to school districts, public school districts.

We also have -- I'm showing you the tribes that are applying in lieu of LEAs, and those are particular states where we have tribes that are doing some work with their grantees or with the schools, and that is something that I think for the tribal departments of education that are really getting a hold of their particular education program. That's looking forward to continued work with the tribes in this format.

And this on this particular slide, we have the, again, showing you the number of BIE schools that we also fund. We have the Bureau of Indian Education that are operated directly under the Bureau of Indian Education, and then we also have those schools that are grant and contract. And these schools go directly to our what we used to call the GAP system, that's the grants administration payment system, where the schools are actually drawing their own money down. But those schools that are still under Bureau operated, we do a transfer of funds directly to Keith Moore and his staff at BIE.

Again, just like Keith mentioned this morning, our doors are open to work with the BIE schools; and as we monitor schools or visit schools, that's part of our formula program activity that we do. We certainly notify the BIE leadership to let them know that we are in your school or we're planning to visit these schools in the BIE, and so our communications is always open with the BIE schools.

This is also to give you some comparisons from 2010–11. We could actually go back multiple years just to kind of give you a total number of -- a history of how grants are funding out of our Title VII program. But what we want to highlight here is tribes applying in lieu of LEAs and in those LEAs consortium applications that we have. So the bottom line is serve more than the 1,275. We actually have in addition, but those consortiums are covered under the consortium leader. So like one of the schools that may be applying in or like Eugene Public School Districts in Oregon, they used to have like about nine schools that apply under the one plan.

So here with regard to the number of, again, just to provide you with number here. Two-year comparison of the number of grantees and the award amounts has changed also because year after year the per-pupil amount changes because there are state-per pupil amounts that fluctuate back and forth as well.

Some of those states that are -- like in Alaska, you're going to see large -- the amount is a lot higher than let's say Mississippi, and basically to education children in Alaska costs more than to educate children down in Mississippi area. So again, it's based on the state-per pupil amount.

At the bottom there, that tells you the totals as well. We also wanted to make you aware that there was an error that was made in 2008's calculations, and I imagine Michael Zawada from Budget Service did his presentation this morning may have mentioned that although he didn't mention it --

(Laughter)

-- that we had to a correction. Mike Zawada is a very diligent person with his work, and he said, "Bernard, if" -- if it was somebody else, I think they would've turned their head sideways and just kind of let it go because this error happened in 2008; but as a budget analyst, he said, "I wanted to make sure that you all were aware the amount." And so immediately our acting director, Jenelle Leonard, said, "Well, let's make that correction while we have it on our plate here to do it right for all the grantees so that way the adjustments can be made." So it took in effect 2010, and the majority of the grantees got their adjusted amounts, so we're satisfied with all the work that was done.

And then this year, there's just a few more schools that we had to make some corrections. And after this, Budget Services says we can now move on with our continuation of grants. So slight adjustment was made, but certainly, we needed to do justice to our LEAs because keep in mind our formula grants go directly to the LEAs. Those are you that are classroom teachers and have worked with Federal grants or experience working with Federal grants our funds go directly to the LEAs.

Before I came to the Department of Education, I worked for my committee to school at Acoma Pueblo and to a couple of the schools in Navajo. And back then, when the funds came in, we made sure that we utilized those funds immediately or to what we submitted the applications for. So we're hoping that the school districts continue the practice although that might be a concern with some of our grantees because that's one of the areas that we probably do want to provide more technical assistance to our grantees.

So what are the activities? A lot of our projects that we administer from the Title VII Formula Grant Program have to do with providing those direct services to students. And each of the application is reviewed by the staff, and at this time, I'd to acknowledge my staff that's sitting back here.

Would you please stand up Paulette Davis, Jean Hunt, and Annabelle Toledo. And we have John Cheek that's on leave this week, and we also have Faye Lone who was formally with the Title VII staff, but now she's working with the Student Financial Aid Office and has moved there as of a week ago. So with only having four more staff, program specialists, handling over 1,250 grants, we're under a lot of, a lot work, but it's good work.

We enjoy the fact that we work directly with the school districts. We've taken Carlos on a couple of the Department's Technical Assistance Workshop sessions. I know in the past we've taken Title I, Safe and Drug Free, Impact Aid -- when we do monitoring visits, we do a team visit, and some of the staff there say that, "You guys really do have the luxury of working directly with the school districts." Because when we have our roundtable conversations, we actually have superintendents and the leadership of the school district to be there including the Indian Parent Committee. So our conversation is right where the action is at, and that's why I think I really take pride of the fact that I work with the Department of Education, work in the Office of Indian Education, and specifically with the Formula Grant Program.

So the services that are provided to the -- I'm just taking these areas that are -- probably you're going to see a number of the projects during tutoring, counseling including the Native language and cultural family literacy, including advanced placement and college readiness for students. Under this program, they have a variety of opportunities to select their services and their activities, so that way they can really specifically address those needs. And every one of that 1,200 school districts are different because they come from their regional areas, and so it's custom built for them when they submit their application.

A lot of these activities do get carried out in the classrooms, in the Title VII office program areas, dormitories where we have BIE schools as well as in the community centers and then in the Chapter Houses. Again, wherever opportunities that the educators, the teachers, the instructional assistants provide these services, they will provide those direct services to students.

Here's a map that shows where we have quite an outreach of all the projects that are all over the place, and your particular states are highlighted here where you're representatives in those areas, and I just wanted to highlight some of the schools that are doing some good, effective practices, and we'd like to see more. We have Glenpool Public School in Glenpool, Oklahoma. It's one of the schools that's -- it's serving over 900 American Indian students enrolled in that schools. They're doing attendance, dropout, math, and reading areas. The significant part of their program at the Glenpool Public School in not only do they really emphasize the culture and language integration, but they provide reading coaches as well as staff that are going to be very supportive to the students in that particular regional area.

Tahlequah Public School is also another one that has done quite well. They have over 1,900 American Indian students that's predominantly Cherokee students that are enrolled there. And again, they do a number of objectives in attendance, graduation, math. They do tutoring activities concentrating in small groups settings. They provide homework assistance.

What highlights Tahlequah is the program that they do. They call it a care program, and that's specifically designed to address the needs of the students, so that way -- it's a large district, and a lot of our students feel sometimes in large districts they need that extra support from someone. And I think Title VII does that. It really does provide that outreach to the students, and they do have student advocates under their program. So we're glad that they're using these funds to make sure that students' needs are being addressed.

At Etna Public School in Oklahoma -- the reason why I guess Oklahoma stands out here is because Oklahoma has quite a bit of projects. There you can see that in 2010 we had 400 projects from Oklahoma. They have, again, 1,060 students that are enrolled there and, again, large district where they're also integrating Native language and tribal history in their curriculum. They also do some storytelling as well as skill development area, ACT and SAT preparation for their project.

And what stands out for Etna is I think the leadership of the school district there. One of our staff personally has worked with Sydna Yellowfish. Maybe those of you know her because she's one of our key Indian educators that has been recognized I think at the NIEA as well as the -- and Oklahoma has done quite well in their state council for Indian education. They really do have some active Indian educators that are supportive in that way.

I think also what I wanted to say under this is that we do have states, we do have states that are doing some proactive stuff with Indian education. Jenelle and I had a chance to also do a presentation there at the Oklahoma Council for Indian Education. They also recognized a couple of the Indian parents who were pretty active in their program.

Under this program, just like Title I, it is required that the parent committee approves the application for the grant. It also provides leadership to the local parents as well as to the students if they serve secondary education program under their program. So given an opportunity for the local parents to provide recommendations to the school districts -- and when we do site visits, I always like to use the NACIE Board to sort of frame the idea that parents committee at the local school -- because sometimes the parents committee say, "Well, we're told -- we're just an advisory committee, so we don't really have the" -- I guess the leverage. But I asked the superintendents how often the parent committee provides their recommendation. And so they're sometimes caught in different responses to our questions.

But what we would ask the superintendents is to make sure that they provide the leadership at the school district in order to assist the parents to frame their recommendations, so that way they're in unison working one together, and I would use the NACIE. I said the NACIE is also a representative of all of our tribal schools, our tribal representations through United States, but they have a bigger job because their job is a broader -- we are a national program.

And so how does NACIE frame their recommendations? Their recommendations go to the Secretary, and they have to do an annual report. So one of the superintendents did pick some of that information up, and he say, “Well, from now on, I’d like to have my parent committee come to the board and do their annual report as well.” So I think it helps to frame the conversation: How do we carry the intent of our program at the very local level? And if we have school districts superintendents, principals, it really does make a difference at the local school on how Indian education gets implemented.

Chicago Public Schools is another one that we have. Paulette Davis and I had a chance to visit the school there several years ago. And if you look at the Chicago Public School District map, you can see that they’re spread all over. Chicago is the third largest district in the country. They have 667 schools within their district, a large district. And to try to figure out how to provide services to their Indian population within that area, that certainly poses a challenge, but we have to say that their Title VII office really showed a commitment to work with the parent committee as well as the Chicago citywide Indian Education Council in their community. So that provides also some avenue and, again, to build that partnership.

And what stands out in Chicago was their use of role models within their district. And again, they utilized that to motivate students, to encourage students to stay on track. Role models are a very good source for Chicago Public School.

So I’m just going to go through this very briefly now with regard to the application cycle. We started our EASIE -- those of you that are getting acquainted with our electronic application system. We started part 1 January 13, and it closed February 14, and that was to take -- first of all, there’s two parts to the application. The first part is to get the student counts, and after student counts are established, then we start doing the initial calculation of grants. And once part 2 becomes open, the application is already preloaded with a tentative grant award amount, and that’s something that we have to sort of say that Title VII has done quite well.

This is just to give you over time how the open dates, closed dates were since 2007 when EASIE started. And again, we’ve been pretty much on schedule with our activities.

So again, here is the why. Why do we have Title VII? That’s always a question that we have especially when we are amongst folks that need to be brought up to speed about Title VII. So again, using basically the Federal Government’s trust responsibility because at one of the school district I was actually confronted with one of the board members saying that it was a race-based program. And so going back again, there’s still this attitude about why we have Title VII as a program. We need to make sure that our policy setters, policy developers are fully aware of the intent of the Title VII program. And Title VII has a long history with regard to how this program has been very well supported over time.

So let me just go over some highlights with you. Again, the EASIE program, this is the fifth year that we’re starting EASIE application. It’s a totally electronic system. I think we’re sort of like a model where the application is connected with various components because it does -- the application is

preloaded with state assessment data, with graduation rates, and a tentative grant award amount. And once we give that out to the applicant, they can easily build their application on their system.

There's some tools that come along with that: Getting Started, Frequently Asked Questions. These are some questions that over time we've captured and utilizing those questions to go back and assist the grantees.

The main part, again, is the parent committee approval. Those are areas where parents actually have their input into before the application gets approved. So that really does help and reassure us that parents had an opportunity to have their input into the Title VII grant.

Some of the things that we've done is to keep our grantees informed through the webinars, broadcast messages. These are just continuous things that go along, and mainly, it is to improve the grant management at the local schools. This EASIE system allows for up to three multiple users. We're hoping that the initial data entry is done by one of the staff in Title VII and then may be moving it onto either like a Federal program's coordinator, and then to get the application certified should be done by the superintendent.

When we were still in the paper application, we used to actually require that the superintendent sign off on the paper application. But because this is an electronic application, we're still trying to continue to encourage our applicants to make sure that we have the highest level of person in the school district to certify the application.

One of the things that we've done is the Federal Technical Assistance Workshop Day. I thought that was something to really talk about because I think we do need to continue that conversation among our not only Department of Education, but we experienced this last in San Diego and have a fairly good turnout. Those of you that were there I think you observed that you had a variety to pick and attend a number of sessions. But again, this is to rebuild our communications with Indian educators out only with our Title VII grantees but also like with organization like NIEA or NEA, different stakeholder that I think really would help that communications to become stronger.

The next one that's planned for us in October in Albuquerque that's right before the big NIEA convention that's going to happen there, so we're looking forward to that.

Again, the particular format for doing the Federal Technical Assistance Workshop Day it does bring a host of number of people, and somebody mentioned the Chief State School Officers. Hopefully, we want to build on that as well. Superintendents we certainly want to make sure that we are having direct conversation with them and mainly the tribal leaders because several things that we've done here in the Department. I've been with the Department for 20 years, and over time, you go through different phases, different activities that take place, the leadership in the Department. And I have to say that the Department has done I think -- of all the different administrations, this Administration has done quite a bit to really focus in on the tribal consultations, whether that was because of the presidential order, but the Department really did step up to make sure that we did do our consultations.

Six consultations happened, and now we're moving with the Urban Learning and Listening sessions. And that's again, the Department acknowledges that we do have Indian folks around like Chicago Public Schools, those area where Indian folks were relocated during the relocation time.

I personally have experience with my own relatives moving out to Barstow, California, Oakland, San Francisco. Those are places where -- my grandfather retired from the Santa Fe Railroad in Fresno, and his family actually moved out there, and I still have relatives that's out in California area that still in that particular region.

So we have family members that still reside in those areas because of those days when job opportunities were there or when the Federal Government had the relocation program.

And again, I just want to make sure that on the challenges like the one for this to appear in a negative tone or anything; but certainly, we do look forward to working and keeping our communications open with all the key stakeholders, mainly our chief state school officers. I know with the time that we've had Jenelle as our Acting Director she certainly has brought that about working with and bringing that to the attention at the level that we need to continue that.

We need to keep the momentum going because I think the Department has done quite a bit with regard to, again, bringing Indian education topic out on the surface and amongst key stakeholders. Just by doing the tribal consultations has really involved a number of conversations around that area.

I just wanted to take the portion whereas past forums have focused on NCLB. That one, again, we're moving in the direction of reauthorization, and Michael will probably do quite a bit on updates on that, and I think we really need to stay tuned with regard to what's happening with our Indian education programs as well. So keeping our eyes, ears open because we are a national program, we certainly want to make sure that -- we want to see what's happening not only with the Indian education programs but with other programs where we have Indian students that benefit from the program, Title I, Safe and Drug-Free Programs, impact aid programs, all those programs that we have.

Some of the other things I think would highlight the Department has done over time is the research, Indian education research. Again, just to prompt discussions in that area to make sure that we have some kind of a future roadmap. I think some of the research that has been done -- we probably do need to take a look at just exactly what's taken place and how to keep the use of research readily available for our educators and especially for our policy developers, and that, again, to prompt discussion with regard to the Executive Order. You've already sort of, I think, have that in mind as far as -- and again, I've been here with the Department for 20 years, so over time you experience different Executive Orders that we've worked under, and those Executive Orders certainly do provide -- create venues for having conversations.

So again, looking at it moving forward, what are the next steps that the Department is going to take with regard to how our Executive Orders have worked under the past administrations and how we want to make sure that the focus is on those particular areas where if it's early childhood initiative, it's a

pre-K, if it's postsecondary, how we going to take a look at that across the board. So I think you're pretty much on the track already for having your thoughts around this area.

Our staff, like I said, the four staff that we have and we've been informed by our executive office in Office of Elementary and Secondary Education that I could under Jenelle's direction to go ahead and start posting the position that Faye Lon had vacated, so hopefully once that get posted, if the word gets out and we do want to make sure that we do bring staff that's going to provide as much assistance that my current staff has done over time here with the Department of Education.

Thank you very much, and I would take some questions if you have any.

MR. ACEVEDO: Thank you, Bernard. Questions? Robin.

MS. BUTTERFIELD: I have a question, but then I have a recommendation. What kind of support are you finding that Title VII folks get from the comprehensive centers?

MR. GARCIA: That's a good question. Let me just give you a little history because the comprehensive centers were very alive and well back in earlier days, Improving America's Schools Act time where we had the comprehensive centers that really did quite a number of work with our LEAs. That changed after when it moved into NCLB, and so it sort of narrowed the activities for the comp center. That's because policy, legislation, changes and whatnot. But certainly the comp centers are there, and they are under one of Jenelle's programs, and one of her staff will be presenting a little more on that, but the use of the comprehensive centers, we had folks like out in Oklahoma. We had folks out in Oregon. We had folks out in the Southwest area that really were the key points of where grantees could go to the get some of those direct services, and we had our annual meetings with these comp centers as well as the state departments of education. We actually brought in folks from the state departments. For example, we had like Mary Jane be one from Idaho. She's at the state department. We had Valerie Littlecreek down at Oklahoma, and she's retired. Hopefully, I'm not sure what the state is doing with regard to that particular position.

In New Mexico, the governor -- leadership there had changed, and I'm not sure if they've going to continue with their advisory committee on Indian education. But certainly like a state in Montana, we've got the state superintendent there that's of American Indian heritage and doing some good and wonderful things for Indian education for all.

The state of Washington we've got a couple of the folks there, Denny Hurtado, who's been longtime Indian educator there who's really has done quite well. Before Keith came out we used his services at the state department in South Dakota. When I first found out that Keith was there, I was just surprised at even that position in an advisory board was appointed there at South Dakota. Before when I first started working here at the Department, of course, I was the youngest on the block here in the Office of Indian Education, so some of the staff that were there they knew already that not to pick North Dakota, South Dakota, Wyoming, so I was a new guy on the block. They said, "Well, you take those." And said, "Fine, I'll take those states." And it's because of the ruralness and the areas where you have

to drive, and then plus you learn about some of these programs, and sometimes it was hard back then in South Dakota to deal with Indian education, implementing the Indian education programs.

And so I think with the leverage that we have at the state departments we certainly have utilized some of the folks that work at the state departments as well. We also have one in the state of Utah and Arizona where we have folks even though they don't receive any funds from our office they still are proactive in making sure that they're keeping an eye on Indian education as well. So comp and (inaudible) --

MS. BUTTERFIELD: Well --

MR. GARCIA: -- in a long about way, yes, the comp centers, so we are key stakeholders.

MS. B BUTTERFIELD: Well, I think the operative word is 'were' --

MR. GARCIA: Uh-huh.

MS. BUTTERFIELD: -- and I would like --

MR. GARCIA: Right.

MS. BUTTERFIELD: -- to make a recommendation that OIE develop a plan to strengthen and expand their technical assistance for Title VII utilizing the state departments of education, the comprehensive centers and the labs and centers maybe even by encouraging them to take on a special initiative to focus on Indian education specifically.

MR. GARCIA: Right. And through Jenelle that conversation has already -- also begun with the comp centers. I had a chance to go with her to one of the recent meetings that the comp directors came in and had a meeting here in D.C., and, yes, they are ready to step up to work with us. So thank you very much.

MS. BUTTERFIELD: Okay. That'll be great.

MR. ACEVEDO: We have a second to the recommendation?

MS. SPOTTED BEAR: Second.

MR. ACEVEDO: Second by Alyce. Further discussions?

(Pause)

MS. THOMAS: I do. This is Virginia.

MR. ACEVEDO: Virginia.

MS. THOMAS: Bernard, I know that you've worked with Oklahoma, and now that Valerie has retired out maybe Greg can even speak upon this, but there's been rumors within the state they're not going to put anybody in that position. And maybe having this motion on the floor and having the recommendations

from NACIE that this would force the issue because there were about, there was about, what, 10 years we didn't have somebody, and we finally got her in there --

MR. GARCIA: Yes.

MS. THOMAS: -- and now that she's retired out because of the funding on state, they may not think of it as an office that could be replaced -- I mean that needs to be replaced, but with this kind of pressure, if we do have this motion, this would definitely make sure that we get this back. And as you can see by the numbers alone, Oklahoma should have somebody there --

MR. GARCIA: Right.

MS. THOMAS: -- on the state level, and we don't right now.

MR. GARCIA: Right. And again, working with the Council of Chief State Schools Officers, it's going to be part of our continuous discussion and hopefully that they see the bigger picture, not only the fact that there's -- whatever the decision is at the local level, local state level that they see the broader opportunity to expand. And certainly key people that we have at the states certainly does benefit our Indian education programs as well as our conversation across the state board on Indian education.

MS. THOMAS: My hope with this motion is that it does bring around -- I think the word today is the accountability --

MR. GARCIA: Right.

MS. THOMAS: -- for this, that we do hold their feet to the fire to make sure that this is -- it's a follow through on this. So I am in favor the motion.

MR. GARCIA: Thank you very much,

MR. ACEVEDO: Further discussions?

(Pause)

MR. ACEVEDO: There being none, call for the --

(Pause)

MR. ACEVEDO: Clarification on the motion.

MS. THOMAS: You want me to repeat it or just -- oh. Yes. I'm recommending that OIE develop a plan that would describe how they were going to strengthen and expand technical assistance utilizing state department education staff plus the comprehensive centers and labs and centers. And I will throw in the Council of Chief State School Officers as well to provide -- more fully support the needs of the Title VII Indian education --

MR. ACEVEDO: Thank you.

MS. THOMAS: -- (inaudible).

MR. ACEVEDO: Alyce, we have permission of your --

MS. SPOTTED BEAR: Yes.

MR. ACEVEDO: -- second? All right. Further discussion?

(Pause)

MR. ACEVEDO: There being none, call for the question. All those in favor of the motion signify by saying aye.

COUNCIL MEMBERS: Aye.

MR. ACEVEDO: Those opposed, same sign. (Pause)

MR. ACEVEDO: There being none, recommendation is carried forward. Thank you.

MR. GARCIA: Thank you very much.

MR. ACEVEDO: Hang on just a second, Bernard.

(Pause)

MS. LEONARD: There are two other points that -- I know I want to make a point Michael wants to make a point as a follow-up to Robin's comment. The technical assistance centers, comp centers will be one of the presentations today, so would you also ask your questions --

FEMALE SPEAKER: Uh-huh.

MS. LEONARD: -- at that point. As well, the comp centers are going to be recompeted in FY2012, and so this is the perfect time, opportunity to start thinking about how to strengthen or how to reconfigure, reconstruct those comp centers so that there is a focus on providing technical assistance at the state and local level so that the states for those kinds of services. And I think it's more about identifying what the technical assistance needs are. Okay. So I just wanted to put that on the table.

MR. YUDIN: And if I may, Mr. Chairman, just wanted to lay out -- throw it out there for people to consider and think about. In a world of somewhat finite resources, as Bernard showed, we have over 1,200 district grantees that the Title VII program doesn't even work with states, so there's things to think about as we move forward on these recommendations for technical assistance. Do we want to be working with our districts and our grantees or state and just recognizing there's a limited pool of resources to do both well? I just wanted to throw that out for folks considering. As Jenelle mentioned, we are going to be talking about the comp centers this afternoon, so I just wanted to folks to think about that because we're struggling with that.

MR. ACEVEDO: Robert.

MR. COOK: I don't know if we could make an amendment to that, but also I think we need to include our BIE schools within -- because we have public schools that are on reservations, and that technical assistance could come from them from the states and what we're talking about, but I think the tribes also have to be -- should be at the table too and just a part of that, receiving the technical assistance because so many of our kids go, for example, go to Wolf Creek School, to the eighth grade or maybe they've moved America Horse School. There's a lot of mobility and moving back and forth from tribal schools to public schools. We have to work together in providing the best academic resources for the kids, but our tribal schools sometimes are excluded from these technical assistance opportunities.

MR. ACEVEDO: If we could address that later. We're about to lose Bill. He has another meeting at 3 o'clock. I'd like to thank Bernard for coming forward and --

MR. GARCIA: Thank you.

MR. ACEVEDO: -- doing his presentation and having staff here. We appreciate the fact that you brought them. Also I really am a favorite of your pueblo in Acoma. I've --

MR. GARCIA: Oh --

MR. ACEVEDO: -- been there several times.

MR. GARCIA: All right. Thank you very much.

MR. ACEVEDO: With that, I'd like to invite William Mendoza to come forward, the Acting Director and Deputy Director for the White House Initiative on Tribal Colleges and Universities. William, welcome.

MR. MENDOZA: Yes. Thank you. Thank you very much for allowing me to be here and, of course, be a disruption to the schedule, and my apologies to Lana and the Impact Aid crew for kind of jumping, leapfrogging here a little bit. Robert over there told me that I had to wear this on my head like this --

(Laughter)

MR. MENDOZA: -- and I don't if there is any truth to that, but if I have to do that, I was wondering if it was okay to play solitaire over there because he's got his --

(Laughter)

MR. MENDOZA: -- laptop -- no, he doesn't --

(Laughter)

MR. MENDOZA: -- he doesn't --

(Laughter)

MR. COOK: We've been suspicious of that laptop all day.

(Laughter)

MR. ACEVEDO: Bill, can you speak closer to your mic.

MR. MENDOZA: Yes, certainly. And I also want to apologize for that too. Unfortunately, I am entertaining a cold this morning, and was telling Andy back there with Kauffman Group that this morning I could only hear of this ear, and right now, I can only hear out of this ear. And I was talking to students earlier, and I realized I was talking as though I had headphones on, talking way louder or way quieter than I should, so please do let me know if there is any concerns with you hearing my voice.

I have been with the WHITCU, an acronym, that's the White House Initiative on Tribal Colleges and Universities, since January 31 as their Deputy Director and shortly after that time as their Acting Director. So my activities up to that point, of which, I'd like to give you a status update on, have primarily dealt with the Executive Order. We've been hard at work in discussions with key stakeholders as to the reauthorization Executive Order for our office, which guides our work and the work of ED in that arena, and so we're continuing those.

And unfortunately, at this time I don't have anything that can be presented to the body but would certainly love to entertain things, recommendations that you would have, broad recommendation on the Executive Order and what that looks for -- establishes for our office going into the future.

We're also doing a little bit of house cleaning. There was not a report done for the period of 2007–2009 in that office, and so we had been deep in the process of trying to get that report together and get that through clearances appropriate and so that we can become current on our reporting processes. Right now, we're engaged in the 2010 WHITCU, which of course outlines the plans for Federal agencies and their performance and the annual performance indicators toward that. And that deadline I think for those reports is April 29, and so we'll have more information after that once that document goes to draft form, and we should be receiving back soon close to final draft on the 2007–2009 report.

We're also been engaged in, as I mentioned, significant outreach on behalf of not only our office but ED and administration in general related to college completion. We've been involved in listening sessions from OESC and Office of Indian Education. I myself have gone to Denver and plan on going to Green Bay. We have through our office conducted two listening sessions, one in Santa Fe and Little Big Horn College and addressing needs of tribal colleges specifically.

Some of the things that came out of those listening sessions is, of course, how we can create a better connection between tribal colleges and urban Indian areas. We're also looking at -- there's huge need for exactly what TCUs have to offer as a strength and identity history and culture. So I think there's a lot of room there to begin discussions on how we can think more creatively in meeting the needs of those communities of which there is a greater proportion than our reservation-based communities. So I think as nations as a whole, as communities, we need to be thinking about everybody and anyone that has a tie to those communities.

And in the listening sessions specifically with tribal colleges, we've, of course, engaged concerns regarding the Executive Order. Many colleges struggle with technical assistance in terms of their grant applications and the implementation of them, so we're looking at ways that we can better partner with the agencies to have those not only happen on a consistent basis but a timely basis in some areas that we've identified there being not as much emphasis in different years. So we're working hard to try to make sure that TCUs have that communicated to those appropriate areas.

We also discussed financial aid and the recent budget cuts and how that's impacting schools and how it's helping schools, and so we discussed a lot about that and things that we need to make sure that we protect going forward in the areas of concerns that we need to address proactively.

Of huge concern to TCUs is, of course, transition and remediation. One of the conveyances that was supported by several TCUs presidents at Santa Fe and again at Little Big Horn College was just the huge amount of remediation that TCUs have to do. One person stated that it's about 30 credits that the students end up having to take before they can even start to address their core credits, and that just impact everything from their core classes to degree completion and, of course, the financial aid formula. And so that's quickly becoming one of the key areas that we'll be focused on for future support and capacity building at TCUs.

There's also always an added emphasis on private partnership related to endowment building for TCUs and how they can begin to look more creatively at begin sustainable and creating their own endowments and what is limiting of those relationships for schools like Haskell and SIPI and Navajo Technical College that have different relationships than the TCUs that are chartered by their tribes. So we're trying to make the right connections with that. And in that, we've been involved with minority-serving institution funders from across the country.

I attended one meeting solely designed to engage in those kinds of conversations about how philanthropic organizations can help contribute to the needs and efforts of the Minority Serving Institutions (MSI) community. We'll be having a follow-up meeting to that, and I'll be sharing some of these key findings from the consultations. And we're, of course, at team at Ed, at WHITCU and OESE. We consult with each other on a regular basis, and so the reports that would come from the consultations will also be a key part of how we proceed in terms of how that relates to the TCUs community. And as you know, they're all related to one another in some form or fashion.

Another issue that came up was, of course, financial literacy and retention and remediation, respectively. Those areas are huge recommendations to MSI funders that we'll be pushing. We really need to address those concerns in Indian Country. This is what we're hearing from the President. This is what we're hearing from those communities as areas of instant need, need for them and where they could start plugging into.

Also as of recently, we've been talking about the need for leadership development and what that looks like going into the years to come. We have numerous internship programs, numerous venues within each avenues, within each agency on how students can access the Federal Government, and it's always a part of our work to try to tie that as closely to the communities as possible and so TCUs then

becomes a tremendous resource of how we can begin to foster and develop leadership, so we're hoping to convene those intern leaders and, of course, people from the philanthropic community on how we can begin to align and better coordinate those effort so not only is there spaces for those students but also a mechanism that will allow them to be successful within the agencies and then, of course, foster that interest within the communities themselves. So we're talking to people like Close-Up Foundation and the Udall Foundation and WINS program and so on and so forth and, of course, the TCUs themselves on making those connections.

And that's tied to our charge as an organization because agencies can claim internships on their performances having contributions to the TCU community as well, so we're giving that.

Other than that, those have been our activities. Going forward, I have attended the AIHEC student conference in further outreach and discussions about students' needs and presidents' needs, and I will be continuing that forward especially in relationship to our interagency working group and then intradepartmental working group, which we hope to revive. There's been mechanisms in place for that right now, but I'd like to see it have a name put to it, and that body meets regularly to bring not only the nine programs that service TCUs within ED but also looking at how the other programs can contribute and how we can foster growth for TCUs in that area.

The interagency working group has met previously. I think their last meeting was October, and largely, we're doing administrative and managerial aspects related to the report, and so this next meeting we're preparing to have that be more related to their 2010 reports. Now we can begin to identify areas of growth there and develop concrete goals proceeding into next year that we can begin to work on.

So we have some organizational stuff within our office that we're looking at. How we can better network and communicate with our different stakeholders and constituencies, the TCUs themselves, to have real-time conversation as best as we can with those people back and forth so that that's a two-way street. So we developed a database, and we're now populating that database with anybody and everyone that we can find a connection to being an effort that builds the capacity and strength for TCUs.

But I'd be glad to answer any question, and again, I apologize for having to step in here. I'll be meeting with Undersecretary Kanter to discuss some recent budget concerns over OPE and some things that we're worried about in that area, and so I wanted to make sure that the TCU voice was heard in that meeting, so that's the urgency.

MR. ACEVEDO: Thank you. Questions of Bill?

(Pause)

MR. COOK: What was the -- Bill, what was the concern of this Executive Order with the TCUs?

MR. MENDOZA: I think as always is the concern of the TCU community they want to know is there going to be an emphasis on TCUs and how does play out in terms of the other needs of Indian Country. The TCUs are pretty adamant that they want to make sure that TCUs' needs and concerns continue to

represent the unique nature of their organizations being chartered the institutions of their tribes. So the challenges for us in that area is to also make a connection between that and the tremendous needs that we face within Indian Country. And so we're working on conversations with them about how best to proceed in that manner.

MR. ACEVEDO: Other questions?

(Pause)

MR. ACEVEDO: Bill, thank you very much. Appreciate it --

MR. MENDOZA: Thank you, guys. Thank you --

MR. ACEVEDO: -- (inaudible) --

MR. MENDOZA: -- for being here, and I look forward to visit with some of you more as the two day progress. Thank you.

MR. ACEVEDO: Okay. Thank you so much.

(Pause)

MR. ACEVEDO: Jenelle, in the agenda order how would you like --

MS. LEONARD: To Impact Aid.

MR. ACEVEDO: All right. All right. Let's do Impact Aid. Robin Robinson, please.

(Pause)

MS. BUTTERFIELD: While she's coming up there, can I ask you a question?

(Pause)

MR. ACEVEDO: Yes. Go ahead.

(Pause)

MS. BUTTERFIELD: Because we did not get to hear from Lana Shaughnessy who was going to talk about the discretionary programs, is that going to be folded back into our agenda at some point?

MR. ACEVEDO: The answer is yes.

MS. BUTTERFIELD: Okay. But you don't know when yet?

MR. ACEVEDO: No.

MS. BUTTERFIELD: Okay. Because I have a recommendation in that area. I just don't want to lose out on it.

MR. ACEVEDO: Don't leave.

(Laughter)

MS. ROBINSON: While they're setting up my PowerPoint, we have a new director of the program, Alfred Lott. He's here. If he wants to speak a few words to give a few greetings. And my other staff, Lisa Montgomery Jackson, Liana Allen, and Lloyd Matthews, if ya'll like to, you all can sit up here at the front in case they have questions.

(Pause)

MR. LOTT: Good afternoon. While we get the technology working here. My name is Alfred Lott. I've been on the job for about 40 days now, and I've learned an awful lot. As a matter of fact, this briefing that you're about to hear is very informative, and I welcome you to our neighborhood, my neighborhood now, and the Impact Aid staff is very qualified and competent people, and we're motivated to all we can for the students in America especially those who are impacted by Federal properties and the impact of the Federal Government such as yours. So we're enthusiastic and happy, and I'm waiting on this technology to get going so we can get fixed up. Are we ready now?

(Pause)

MR. LOTT: Well, thank you very much. My name is Alfred Lott. Call me any time you got any questions. I'll be happy to talk to you, and my staff will do anything we can to help out.

MR. ACEVEDO: Thank you very much.

(Pause)

MS. ROBINSON: My name is Robin -- can you hear me? I'm not sure.

FEMALE SPEAKER: No.

MS. ROBINSON: My name is Robin Robinson. I'm the group leader for the Programs Operations Group, the Impact Aid Program. Again, I said I had some additional staff with me. That's Lisa Montgomery Jackson sitting up here. Liana Allen is in the back, and Lloyd Matthews, the two of them they work with the Indian Policy and Procedures and with Oklahoma as well. Lloyd works for Oklahoma.

While looking for the PowerPoint to get started, I'm going to -- you have a copy of this, so we'll maybe just kind of go with this. I have a large PowerPoint, but I don't expect to put you through all of these pages here. A lot of it is like for reference for you to take with you so you can understand it a little bit more. This is kind of a complicated program. Just to kind of understand the form -- I see a couple of people nodding.

(Laughter)

So I'd like to give you as much information as I can. Normally, once we get the PowerPoint going, I'll just kind of flip through a couple of pages kind of fast.

(Pause)

It starts off by telling you we're going to look the purpose and the history of the program, the Impact Aid Programs, particularly Section 8003, which has the Formula Grant Program. Indian policy and procedures which is one of the requirements of the Formula Grant Program and Section 8007 which is the construction program, and then we'll answer any questions that you have.

The purpose of this program is to compensate the LEAs, the local school districts for loss local revenue due to tax-exempt Federal property and increase expenditures for Federal-connected children.

These payments are determined by formulas as is specified in the law and annual appropriation amounts, and the application data and additional we get from the states.

This program has been since 1950 and was originally under Public Law 81815 and Public Law 874 but is now part of Title VIII of the Elementary and Secondary Act. So we are under the same act that's going to be reauthorized, so any changes that's being made will be made at that time.

(Pause)

Under legislation, we have Public Law 8910 as amended, which is, like I said, now under the Elementary and Secondary Act. The law is under 20 U.S.C. 7701 to 7704, and the regulation is 34 C.F.R V. So if you have any questions, if you're looking for something, it's usually listed under all of those areas.

Our money is basically used for broad purposes. The main programs are the Section 8002 and the Section 8003(b), basic support payments. Under these two programs, the money can be used by the public schools in accordance with whatever their local and state requirements allow. So our money is not -- once the school districts get the money even if they get it for the Indian land children it can be used for anything within their general funds for those programs there.

Oh, there we go. Great. Makes it a little bit easier. Thank you. Okay. Great. Yes, that's where I am. Thank you. And I'll just up and down over here?

(Pause)

So the money can be used for salaries, textbooks, computers -- (Pause) (on mic). Okay. Sorry.

(Laughter)

-- textbooks, computers, anything basically that's in the general fund. There are some programs under the Impact Aid Program that have some specific things that have to be -- the money has to be funded for specific areas. The 8002 payments is money for Federal property, but that also can be used in the general fund.

Under 8003(d) as Formula Grant Program that is for children with disabilities funds, so if they get money under that, they have to use it for children with disabilities.

8007(a) is a Formula Grant Program, and again, that money is the construction Formula Grant Program. It can only be used for the construction programs.

And 8007(b) is discretionary grant payments. It can only be used, again, for construction.

And then we have an 8008, facilities maintenance where it's only a few schools that the Department of Education still owns part of these buildings, and that money can be used to help do maintenance on those building. But any of the other programs, that money can just put in the general funds.

These were what the appropriations were under FY2010. Since FY2011 has just been finalized last week, I don't have the exact figures on if it increased or decreased. I don't expect it has increased though. This program is also separate from the -- DOD as an impact aid program. So sometimes you might hear about that program. That's a separate program. We give them figures from our numbers from our applications, but they have a separate program from ours.

The main programs we talk about a lot are the basic support payments, the 8003(b) program. That's where you're going to get most of money for the Indian land children, and I'm going to explain Indian land shortly. 8003(b)(2) heavily impacted LEAs. 8003(d) is additional payments for children with disabilities, and 8007, formula grant payments.

Just to give you a little background of how we've had the money in the past. Again, this 8003 is for payments related to children, federally connected children. So either have children residing on Federal property or Indian land property or eligible low-rent housing. The parents are in uniform or work in Federal property or Indian lands or low-rent houses.

And in 2011 applications, which is the application we did last year, we had 1,311 applications. Out of those, 638 applications had children with Indian land on there.

Under the 8007(b) basis for payment, the eligibility is based on the number of Federal connected children. It has to be equal to at least 3 percent of the total number of student in ADA, average daily attendance, or the number of eligible of children has to at least average daily attendance equal to at least 400 in number.

Under the basic support payment, there also is additional money for parents who work on Federal property; but in this category, we have to have at least 10 percent of the total number of children in ADA have to be eligible or at least 1,000 students in ADA.

Under the heavily impacted, we have another bunch of requirements which have to do with expenditures, tax revenues. And last year, we had 21 eligible application in FY2010.

We work under different fiscal years. It may be a little confusing, but I can probably explain that another time to you, but right now the application just went in this past January was FY2012 applications because we get the application ready now to review it, and we look it in order to pay for FY2012 fiscal year, which starts October.

Under for children with disabilities, you have your children who have an IEP, and we have to have an active IEP. And out of this, we had -- and the money must be spent on the children with disabilities. And we had 937 applications in 2010.

Part of the basic support of formula is -- it's kind of a complicated formula, but just the basic part of it is that you have the Federal connected student in average daily attendance weighted according to category and multiplied by a local contribution rate. There are basically 10 categories in Federal connected children, and they have, again, the attendance rate and a local contribution rate.

Now this is the part that I want you to see is how the Indian land children are weighted. The Indian land children get weighted higher than any other category of children. These categories here these are parents who work on Federal property. They're weighted -- the red number there, 1.0, and it just lists the table, which is table 3. It's part of the application. Military officers, foreign military -- excuse me -- all military are listed here at 1.0 and foreign military officers as well. They have a weight of 1.0.

But if you look at the children reside on trust or restricted Indian lands -- and I'm going in a little bit explain about the Indian land category definition. They are weighted 1.25, so the children actually weighted higher, and they can get more money per children versus any other category.

I'm going to just go through some of this for you. Okay. So now the definition of Indian lands. We have either the Indian -- they have real property that's tax exempt due to Federal law agreement or policy and that is held in trust by the United States for individual Indians or Indian tribes, which is what we call trust property or real property that's tax exempt due to Federal law agreement or policy and that is held by individual Indians or Indian tribe subject to restrictions on alienation imposed by the U.S. or restricted property. So basically, we're counting here where the children reside. Do they reside on trust property or restricted property. So we're not actually counting -- we're count the children, but it's based on where they live.

So Alaska has a special category definitions that they use. It is based on their ANCSA land. And Oklahoma also has a special definition that they use as well. So everybody else is based on just trust restricted, but there's two different requirements under Alaska and Oklahoma.

Just to give you a little background of where our money has gone. This is FY2009, so far we've given out -- and we don't always give out all the money in a particular year because we're always dealing with working out some issues, whether we're stilling getting information for different districts or we get some information from the (inaudible) policy procedures, which I'm going to talk about shortly or it could be some field review or there may be some issues, so we don't always give out all the money in the first years. We give out most of the money, and then as we resolve the issues we do final payments, which may take a year or two later.

So for right now for FY2009, which is the last year that's still open, we had -- in our basic support category we've given out \$554.2 million of which 52 percent of that was for Indian land students. And \$18.7 million were children with disabilities payments; 43.5 percent was also for Indian land children.

FY2010, on application, we had \$579.6 million. And out of that, 51.9 percent were Indian land students; and \$18 million for children with disabilities; and 42.6 percent of that was for Indian land students.

So far for FY2011 payments, which is the year we're paying right now; but again, under the continuing resolution, we did not get a full allotment of money yet. So from what we paid out so far, \$457.6 million of the basic support; 64.7 percent were Indian land children, and \$14.3 million for children with disabilities, and 45.2 percent for Indian land children.

One of the reasons that the amount is so high at this point is because when we don't have a full appropriation, LEAs can request an early payment. The ones who may have the most needs may say, "Look, I can't wait. I need my payment in October, November, December," whenever we get little bits of money. We keep getting another continuing resolution. So you'll see that a lot of Indian land districts have gotten a lot of the money because they have put in the request that they really need the funds.

This just kind of shows you a little map, a little chart, of the number of memberships, Indian land memberships, in smaller blue versus the total number of children. And so far, it looks like from 2008 to 2011 approximately 12 percent of the total memberships are Indian land children. And also with applicants claiming Indian land children with disabilities, it looks like pretty much about 33, 34 percent of the total has been Indian land children.

So I'm going to tell a little bit about the process, but again, like I said, I'm going to kind of touch on different things. I've got a lot of slides here, but I want you to have this information to take with you as well, and I can always be available to answer questions for you.

The process of the application is first there's a survey, then have an application -- the applicants have to fill out applications. They have to provide documentation. We do field reviews or Indian policy and procedures reviews, and then we issue the payment.

The survey is on a particular day, which is a count day that they can establish no earlier than the fourth day of a school year and no later than January 31. They have to do a count of all of the children, and we decide on that day how many are Federal connected children and what is the total membership. They can do it through a parent-pupil survey or a source check, and the forms must be signed on or after the survey date.

The collection of what is needed. They need to have the students' names, date of birth, grade, address of the family residence, the parents' place of employment; and for uniform services, the parent's name, rank, and branch of service.

This is an example of the survey form. Also, you it have in your package there, so you can see it a little bit clearer, but it just asks that same type of information that we just talked about, that I just talked about. And the source check, which sometimes a little bit easier to do for some of the some of the Indian lands, the gather the information more on a group of people living in a certain area. So on the source check, you can list all the children in a particular area or neighborhood and have the official

signature certified residence of the family or employment of the parent or for Indian lands they can sign -- certify the status of the property. Again, they're just trust or restricted property.

This is an example of our regular source form, but this is the Indian land source form, and we have additional information on this side where we need to have the signature of somebody certifying eligibility of the Indian land that is restricted or (Pause) trust. I'm sorry. Trust land. So it's an easy way to get the information.

Now I'm going to talk a little bit about Indian policy and procedures, and I know I talked to some of you and so did Lisa Montgomery Jackson at the NIEA conference. If the LEA is eligible for money under Indian lands, you have a requirement that you have to provide Indian policy and procedures. And the purpose of this, particularly since we said our money just goes out to the school district. There's no requirement that you have to spend it on Indian land children, and that comes up a lot. But under the Indian policy and procedures, they have to provide equal participation for the Indian children and the LEA's education program activities. And this is what they have to certify in the Indian policy and procedures: To improve communication and cooperation between the LEA and the Indian community and to involve parents and tribal officials in planning and developing education programs and activities.

So we need to under this to establish that the board approved these policies and procedures that meet the eight statutory requirements. You need to maintain records and compliance with the IPP requirements and annually we review the IPPs that must be submitted with the application, or they can submit a waiver in lieu of the IPPs from the tribe. And they can amend the IPPs, and any amended IPP require tribal review.

It's possible the school district can provide a waiver. A waiver is a -- an LEA may submit a written statement from the Indian tribe that the LEA need not comply with the requirement to develop IPPs because the tribe has satisfied the provision of the LEA's educational service to Indian children.

These are the eight actual standards that are required as part of the IPPs. I'm not going to read them all. I'm just going to kind of go over them briefly. But the first one is that to give the Indian parents an opportunity to comment on whether the Indian children participate on equal basis with the non-Indian children.

Two is to assess the extent to which Indian children participate on an equal basis.

Three is to modify if necessary the educational program to ensure that Indian children participate on an equal basis. Basically, we're trying to make sure that the children are treated the same as the other children.

Number four is disseminate relevant applications, evaluations, or program plans or other information that the parents would want to see and have an opportunity to review these materials and make recommendations on the needs of Indian children and how LEAs may help those children realize the benefits of program connectivities.

Five is to gather information concerning Indian views including those regarding frequency, location, and times of meeting.

Six, to notify the Indian parents and tribes of the location and times of these meetings.

Seven to consult and involve tribal officials and parents of Indian children in planning and development of the LEA's education program activities. And eight, to modify the IPPs if necessary based on any results of any assessments.

So this is really trying to make sure that the Indian land parents are involved with any planning that is done with the school district.

What we do from our office is we do IPP reviews. As I said, with the application, every year when they send an application they have to send in an IPP. We get approximately 1,400 applications in the program, and I have about eight staff right now assigned to that program. When they get the application in, if there's Indian land children, they have to make sure they get then Indian policy and procedures, and they have to look at it to make sure that it's addressing these different standards and it was done annually. It has to be done -- at least annually, the board has to review the policy and procedures. They don't have to change it every year, but they have to say, "Yes, this is our policy. We agree -- this is our policy and procedures."

Now what we will do as far as reviews, we take about a hundred each year, about a hundred LEAs that we will contact and tell them we're going to do more in-depth review. We'll contact these LEAs, and we'll ask them to send us information to show that they have complied with this. So they have to send documentation in that they've held meetings, that they've involved parents, so we do a more in-depth review at this point. And we do not pay the LEAs until get the information that we have requested. So right, we've been asking for the information; but right now, it is payment time, a lot of people are scrambling to try to get this information done, get this documentation done. Maybe they didn't do it before, but we want to make sure that it gets done.

And like I say, that's part of our procedures to make sure that we're not going to give them the payment unless we know that they're actually following these Indian policy and procedures. Our office can be contacted if there is any concern about the LEAs, IPPs, and its implementation.

We go through a cycle going from the top of the alphabet back to the bottom and then back to the top, and these are the different states that we have done the IPP reviews on. Currently, we're looking at the 2012 applications. We're finishing up some 2011s, and these are the states that we're looking at right now to see -- we're asking them to send in their documentation that they have actually complied with the procedures that is posted.

If there are complaints and hearing. If there's complaints, we have a complaint and hearing procedure. And again, it's part of our C.F.R., our Code of Federal Regulations 34 Section 222.102 in case anybody want to look I up. Only a tribal chairman or an authorized designee for a tribe that has children attending an LEA school may file a written complaint with the Assistant Secretary for Elementary and

Secondary Education regarding action pursuant to and relevant to Indian policy and procedures. And the Assistant Secretary will designate a hearing examiner to conduct the review.

A lot of times we do hear from -- some parents may call in, and they say they don't think that the school district is spending the money on the children or they want it spent on certain things. We cannot say what they have to spend the money on, but if there's an issue that they don't feel like the children are being treated fairly, then that's where a tribe chairperson can ask for a -- if they have a complaint about the IPPs and don't feel it's being implemented. But anybody can call and talk to us and ask us questions, but you want to go to an actual hearing, it has to be a tribal chairman or authorized designee from the tribe.

Just a little bit background information again on the application. The application is due to us by January 31 each year. We look at the counts of the federally connected children from the different survey form of the source check, and the Federal children are listed by different properties. And again, this FY2012 application we're doing now is based on the FY2010 to 2011 school year, so it always sounds like it kind of ahead, the fiscal year is coming up, but we're looking at the data now to get everybody ready, get the application ready for the payments starting in October.

And again, some of this information I just have for you to take with you to read later if you have more questions about it, but this just tells you the different tables that we have and what's on the different tables. For instance, if you look through the tables here, if you're looking for children living on Indian LEAs would have to list those children on table 1. That's children with disabilities on Indian land. Or if you're just looking for children who are living on Indian land, it would list them on table 6 (ph).

Some of the other information we need is some physical information that they've used the money for children with disability. We want to make sure they have used the money on children with disabilities if we've given them money for that. And table 8 is only about the operated school districts, and then there's a table 9, which has military installation undergoing renovations or rebuilding.

Now there is table -- Okay, one minute -- okay. I'm going to get --

(Laughter)

-- I'm going to go real fast now. I know I've been talking fast anyway.

FEMALE SPEAKER: (off mic) (inaudible).

MS. ROBINSON: Okay. Okay. I just want to tell you one other table that was important to you. Table 10 is the construction. If you get construction money, you have to report about that, and there's also a table 11, which is housing on Indian lands undergone renovation and rebuilding.

This is just information that you can take with you, and we have information and the Web site and everything there. Okay. Any questions?

(Laughter)

(Applause)

Any questions.

MR. ACEVEDO: Members of the Council?

MS. ROBINSON: Does anybody have any questions?

MR. COOK: I guess I have a quick question --

MS. ROBINSON: Sure.

MR. COOK: -- Robin. What is your relationship as far as working with the National Indian Impact Aid with like the president, that would be Maurice Twiss.

MS. ROBINSON: Yes --

MR. COOK: Yes. And then is there a -- do we have a Native or American Indian liaison within the office that works with them also?

MS. ROBINSON: We have three people right now who are our -- they're not Native American -- no, not Native American, but we have three staff that are assigned to work with Indian policies and procedures program. Lissa Montgomery-Jackson is one. Leanna Allen is in the back, and Sharon Spann is not here today. We do work with -- we go out to all the different conferences. We went out last year with the NIEA, and you're also talking about the NISA (ph) conference, is that the one you're talking about? You said Maurice Twist? He's

FEMALE SPEAKER: (off mic) (inaudible) the Shannon (ph) Mountain --

MS. ROBINSON: Yes, we went to --

FEMALE SPEAKER: -- (off mic) (inaudible) --

MS. ROBINSON: -- with Shannon County. He -- right --

FEMALE SPEAKER: (off mic) that was one of them (inaudible).

MS. ROBINSON: -- yes, we've gone out to his conference. Lissa went out to his conference last year and did a presentation there. So they call us, and they can contact us any time.

We've also had different school districts in the past, and some of the tribes we've kind of worked on trying to iron out different issues that they've had between us, so people who call we kind of help with issues like that as well. But I guess the only thing is if it's a formal complaint, then it has to be by the tribal chairperson.

MR. ACEVEDO: Other questions?

MS. JACKSON-DENNISON: Yes. I mean to answer that question, I actually sit on the NACIE Board and the NASIS Board and work really closely with the Department, so --

MS. ROBINSON: Right, and I came out to the NACIE meeting --

MS. JACKSON-DENNISON: Yes, and --

MS. ROBINSON: -- as well this year.

MS. JACKSON-DENNISON: -- we just had our conference two weeks ago, the NASIS conference, and we always have the Department there.

MR. ACEVEDO: Any other questions of Robin?

MR. PHELPS: You mentioned that when districts apply for the impact aid for children with disabilities that there are strict accountability measure to make sure that the services go directly to those kid, was that correct?

MS. ROBINSON: Right. When they're given money, if they state on the application they have children with disabilities, then when we do a monitoring of that, we'll ask them for -- like I said, one of the tables, table 7, will ask them how much money they actually spend on children with disabilities. So if we've given them so much money, we expect to tell us they're spent at least that much money; plus, we look at the other money they've gotten from IDEA and other places, so we know that they're spending that money plus our money on children with disabilities.

MR. PHELPS: The same type of review though is not used if a school district applies with kids who are not disabilities but they receive impact aid? That money can just be used in --

MS. ROBINSON: It can be used in --

MR. PHELPS: -- general funds --

MS. ROBINSON: -- general -- right --

MR. PHELPS: -- or anything?

MS. ROBINSON: -- yes. That's in fact is in the first couple of slides there, yes. In fact, general fund...it's just -- it goes into the general pot, and they can use it for anything they want as long as it agrees with the local state requirements.

MR. YUDIN: And if I can just add, that's the statute. That's statutory.

MR. PHELPS: So a follow-up question is are there models out there where schools districts that have had an Indian population of students that is doing badly directed resource of impact aid into supplemental services or anything like that where you've seen gains in student achievement?

MS. ROBINSON: We wouldn't look at it in our program. I mean I guess in the Indian Ed program or any other programs on the ESEA, but our money is -- all we do is we monitor the application, make sure that they actually had children on Indian lands, trust-restricted lands. We make sure that they have the IPPs, and then we send out the money, but we don't monitor what they do with the money, not in the impact aid program. That's not part of the statute.

MR. PHELPS: So with all those other programs you listed for impact aid for construction and all that, things a district could conceivably receive money out of every one of those pots?

MS. ROBINSON: Yes. Yes. Now construction we do monitor to make sure they use the money for construction and children with disabilities, but those are the only ones -- and actually the program for the -- ALA program, which is for dimensions of the buildings.

MR. PHELPS: So if I'm district X, I could get \$5 million in impact aid for my Native students, another \$2 or \$3 million for construction because of my Native student, and then just put that together and build a nice big gym or something?

MS. ROBINSON: It's up to the school district and depends on the local and the state laws, yes. We have no --

MR. YUDIN: Yes, and --

MS. ROBINSON: -- requirements on what to use the money for.

MR. YUDIN: Impact aid is historically for, for 50 years, it's a general aid. It's to make up for revenue that local communities can't raise, so it is by statute general aid.

MR. PHELPS: But there's no percentage that's supposed to go to direct service if 100 percent of the money is coming from Indian kids? Because I know in South Dakota most of the money if you're not an on-reservation public school goes to border school, which are in communities not on reservation so don't have active Indian parent involvement to set policy to direct how those funds get spent.

MS. ROBINSON: The only thing we have is the Indian policy and procedures. And like I said, we make sure -- we do not give out the money unless we make sure that they have Indian policies and procedures, and we try to enforce to make sure that they're following that. And that just said that they should have equal education opportunities for the Indian children as with the other children. That's the only enforcement that we have within the program.

MR. PHELPS: And how much roughly per pupil is impacted?

MS. ROBINSON: It's really kind of depends on the school district. Our former --

MR. PHELPS: Just the range.

MS. ROBINSON: -- it's not really like that because --

MR. PHELPS: Four thousands, 1,000?

(Laughter)

MS. ROBINSON: It's really different because it depends on we have -- when we don't have enough money to fully fund the program, which we never do, there a LOT formula, it's Learning Opportunity Threshold, LOT, and --

MR. PHELPS: Can I --

MS. ROBINSON: -- basically, it looks at the percentage of children that you have versus the membership. So some districts that have 100 percent Indian land children get a lot more money than other do. I'm looking at the payments the other day, and there's some school districts, Indian land district, and they have 250 kids, and they're getting \$4 or so million. That doesn't happen with the other populations because, like I said, we're more than 1.25 percentage, so they get more money. So it really depends on how much of the population is Indian land children versus -- and how much money they're getting in their total current expenditures. There's a couple of things in the formula.

MR. PHELPS: So there's no requirements for retention, graduation --

MS. ROBINSON: Not under the impact aid formula.

MR. PHELPS: -- direct service, just if they showed up one day, you got money for them?

MS. ROBINSON: This basically is because of the Federal property. That's what this whole program is about. Because the Federal Government has taken property from the LEA, from the district, they're not getting tax revenue for that, so --

MR. PHELPS: Well, wait now though.

MS. ROBINSON: -- because of that. Uh-huh?

MR. PHELPS: How can if I live in Kadoka, South Dakota, and I'm bussing two busloads of kids to the Pine Ridge Reservation to Wanblee, how can you count that reservation as Federal property of the school district?

MS. ROBINSON: Not that -- no. It's Indian -- because they live on Indian or restricted land. Indian children live on Indian or restricted land, which is tax-free land. It's not being taxed. So that's why we're helping the school district out because they're not getting taxes for that land, so we're giving them so money to compensate for that. That's what the program is based on. And it's the program's --

MR. PHELPS: But they don't --

MS. ROBINSON: -- since 19- --

MR. PHELPS: -- they can do whatever they want with it?

MS. ROBINSON: Well, the program has been around since 1950. It's up for reauthorization. You have recommendations, you can make your recommendations, but we have to go by what the current authorization is for.

MR. ACEVEDO: Mary Jane.

MS. OATMAN-WAKWAK: That was going to just be my follow-up is we I think all around this table have known a lot of deficiencies within Indian communities that operate those programs, so we could at this time start formulating some of those recommendations like -- because our children are a protected class under that trust responsibility and the ward situation that we could recommend through reauthorization that Federally connected Indian children also have an IEP or IFSP.

MS. ROBINSON: Right. Yes. If they're getting money on the children with disabilities, they have to have IEP or IFSP.

MS. OATMAN-WAKWAK: No, no, I mean all Indian children.

MS. ROBINSON: Oh, all Indian land children. Okay.

MR. ACEVEDO: Debbie.

MS. JACKSON-DENNISON: I just wanted to clarify. It's not just a free for all. It's very much stipulated under statute state by state how -- if you really want to get to the nitty-gritty, it's a big difference just between the two states I reside in. Arizona and New Mexico are completely different. One's equalized and one's not, so it really does impact Indian children across the country how the state formulas are set up, and it's not just a free for all. And although it's the only funding that's goes directly to the school districts in those states that are not equalized, so it does really -- it's in lieu of the taxes that we would get if we weren't on Indian reservations.

MR. ACEVEDO: Other questions?

(Pause)

MR. ACEVEDO: (inaudible)?

FEMALE SPEAKER: Oh, no, no, no.

MR. ACEVEDO: Oh, no. Any other questions?

(Pause)

MS. ROBINSON: Okay. Thank you.

MR. ACEVEDO: Thank you so much. Appreciate you coming here and presenting today and also have your staff here.

MS. ROBINSON: Okay.

MR. ACEVEDO: And I really like the fact that you can speak as fast as I can.

(Laughter)

MS. ROBINSON: I was trying to speak slow.

(Laughter)

(Pause)

MR. ACEVEDO: We're going to move next to Larry Wexler, Office of Special Education Programs for a presentation. He's the Deputy Director. Larry.

(Pause)

MR. WEXLER: Good afternoon. Can you hear me? Is this on? Yes.

MR. ACEVEDO: Yes.

MR. WEXLER: Okay. Well, I looked at your agenda, and it looked like I'm like the 35th half-hour presentation that you'll have had, so --

(Laughter)

MR. WEXLER: -- I feel your pain. What can I say?

(Laughter)

MR. WEXLER: I --

MR. ACEVEDO: With all due respect, we did ask for you to come.

(Laughter)

MR. WEXLER: Yes, I understand. I understand, and I'm happy to be -- and I am happy to be here. I'm Larry Wexler. I'm with the Office of Special Education Programs. The Office of Special Ed Programs has two divisions; one's the monitoring and state improvement planning. They do all the regulatory work, and they handle the formula grant, which is about \$11.2 billion. I direct the Research to Practice Division, which does all the discretionary work. In addition, we do all the data for OSEP, and our budget is small; it's a bit under \$300 million, but we are a tool essentially to make good things happen for kids with disabilities. So that's kind of how we look at the operation that I run.

I was also a number of years ago I was the deputy director of the monitoring division, so I kind of span both division in OSEP and, hopefully, can answer some of your questions.

What I'd like to do today is -- I'm not going to walk you through IDEA. My assumption is you're familiar with IDEA. What I'd like to do is a couple of things. One, walk you through some of our data and data that we particularly have on Indian children with disabilities.

Some of the data is not pleasant. I'm going to give you the, kind of give you the heads-up. I'm a reporter though, okay, so we take our data very seriously. I have four full-time folks who do nothing but data, and so I do want to do that, but probably as interesting, hopefully more interesting, will be I wanted to make you aware of some of the technical assistance that we have available that your constituency can take advantage of. Many of them already do take advantage of. That's kind of how we're going to go.

(Pause)

MR. WEXLER: All right, can someone...

MR. ACEVEDO: Sure.

(Pause)

MR. ACEVEDO: She left you right there.

MR. WEXLER: Yes, I get that part.

(Laughter)

Anyway, so here's a report that just -- a research study that just came out. It said a student who can't read on grade level by third grade is four times less likely to graduate by age 19 than a child who reads proficiently. Add poverty to the mix, and that student is thirteen times more likely to not graduate. My question is what happens when you add disability to the mix. And we can only assume that the results are really quite dismal.

I'm going to try and get this to work.

MR. ACEVEDO: Just push the (inaudible).

MR. WEXLER: There we go. Excellent. Thank you.

MR. ACEVEDO: You're welcome.

MR. WEXLER: So gaps in graduation rates among White, Black, and Hispanic students close once poverty and reading proficiency were taken into account. If they are proficient in reading, they basically have the same rate of graduation, above 90 percent. So what happens to kids with disabilities when their put into that mix?

That's the question that we have to ask especially when the vast majority of children with disabilities regardless of their ethnicity have problems reading. So you're talking 13 times less likely to graduate than a kid who is proficient by third grade and then add disability to that mix. Honestly, I don't have the number, but it could only get worse. So that's kind of what we're faced with there.

So just some numbers in terms of IDEA. In FY2010, we funded \$92 million for students with disabilities living on reservations and attending BIE-funded schools; 20 percent of that gets set aside for

children with disabilities 3 to 5, so that's our preschool program. We all it 619, so that's how much gets set aside. And then part C, which is our infant and toddlers program, BIE received \$5.6 million, and that had to be distributed directly to the tribes.

So for our purposes, BIE operates as a state for the implementation of the IDEA Part B. So BIE is responsible for identification and evaluation free, appropriate public education and least-restrictive environment.

Now this is the point in the presentation where I reiterate that I'm just a reporter, okay.

(Laughter)

This is in the don't-shoot-the-messenger category.

So in 2009, 99,470 American Indian or Alaskan Native children -- and our data includes both -- ages 3 to 21 received special education. Of those, 6,747 received special education in BIE schools. Over 70 percent of students with disabilities spent at least 80 percent of their time in regular ed in BIE schools. Approximately, 60 percent of Indian or Alaskan Natives spent at least 80 percent in regular ed. So what you see there is a discrepancy of time in regular ed.

Between '08 and '09, approximately 60.6 percent of students with disabilities age 14 to 21 graduated with a regular diploma in U.S. and the outlining area. So this is all kids with disabilities, 60.6 percent; 58 percent of Native Indian or Alaskan Native students with disabilities graduated with a regular diploma. Approximately, 36 percent of students with disabilities graduated with a regular diploma in BIE schools.

Now let me just say something about these data is that the BIE data looks particularly bad. There was a huge drop in the graduation rate between 2008 and 2009. We have what we call data error checks within our data collection system, and any time there is anything close to a 10 percent change, we go back to the state, or in this case to BIE, and ask for an explanation, but no explanation was given. So there was kind of a precipitous drop in the diploma rate between those two years. So I can't vouch for the validity of the data, but we've been provided no additional data to correct that.

So in terms of dropouts of all kids with disabilities, about 22.4 percent dropped out. And so Indian or Alaskan Native students with disabilities dropped out of school in the United States approximately 32 percent. And in BIE schools, that was up to 53 percent. Again, there were some fairly significant changes in those numbers. Just a few more. Just a few more.

Approximately 54 percent of American Indian or Alaskan Native students were proficient on statewide math assessments compared to 71 percent of all students. Approximately 59 percent were proficient on statewide reading as compared to 72 percent of all students.

We have some issues in terms of our data in terms of disaggregating by race, ethnicity in the assessment data, and that's something that's within the Department of Ed system. But you can see some of the differences here that are brought out, so --

MR. ACEVEDO: Excuse me, Larry. What's your plus or minus then on your error rate?

MR. WEXLER: We don't deal with an error rate actually. These are not statistics. These are numbers that are reported by the state, so these are not statistics significant or valid at a particular rate. This is exactly what gets reported to us. We do an error checking. We inquire as to anomalies, what we think are in anomalies, and then we move forward. The BIE in general is not alone in having data anomalies. I think that's really important to emphasize here.

So in terms of our monitoring of BIE, we've had to major findings. One was a general supervision, which is a monitoring in terms of their monitoring of their programs, and we closed out those findings, so the finding was addressed through corrective actions. And the second was a fiscal monitoring finding that there was a -- they needed to develop a better system, essentially, of tracking the money. What I was told by my folks is that the documentation is due in May but that in fact substantial progress has been made. So that's where we stand with monitoring BIE.

Technical assistance. We pride ourselves of being a tool that leverages huge change in this country in terms of children with disabilities and in many cases in terms of all children. When we talk about school-wide systems that OSEP has supported, things like positive behavior intervention and supports, response to intervention, that affects all children in schools.

Some of the technical assistance that's specifically going to Indian education...Our Mountain Plains Regional Resource Center has traditionally over a period of probably 20 years had a significant commitment of resources to Indian education in one form or another. Our data accountability center, which not only collects our data but also provides technical assistance around data, has been working intensively on the development of data systems with BIE. That's been going on for a number of years.

And then we have a number of Parent Training and Information Centers. Every state has at least one Parent Training and Information Center, and the purpose of those centers is to basically help parents negotiate the maze of special education. You're a parent of a child, you get called by the teacher, you get called by the school, "We think your child has a disability. We're interested in evaluating that child." Every parent, I don't care who the parent is, just -- it's like being told you have cancer. You don't comprehend what's being said to you at that point, this is your child. The Parent Training and Information Centers support you to go through the overall process. And Visions is one of our centers that is specifically to provide services to Native Americans, Native Hawaiian, and Alaskan Native families across the country.

But every Parent Training and Information Center serves any parent who walks in the door. We specifically will task certain centers to outreach to underserved populations, so Indian education would be one of those.

So Part D, which is the discretionary program which I direct, again, is essentially to provide tools to states, to districts, to school to better serve children with disabilities. These are our appropriations although I have to admit I spent Friday after the budget was signed reducing some of this, but you can see our technical assistance is about \$48 million. Our personal preparation. What we do is we prepare

essentially related-services personnel. We prepare OT, PT, speech. We prepare teachers. We prepare doctoral student. We prepare faculty, and I'll get into some of that, and we have specific set-aside for minority institutions, which is historically Black colleges and universities and tribal colleges, and we do certainly have some investments in some of the tribal colleges.

So our personnel development is our largest. It's about \$91 million, and again, we do leadership, which is faculty; low incidence, which from our perspective is usually deaf, blind, autism, but autism is kind of rising into a more high-incidence area right now, but essentially low incidence, and Congress pressed us to serve that population. Early childhood. We have the minority completion, and that's the one that I just mentioned.

Tribal colleges are eligible for all of our competitions. This is an actual set-aside specifically for that. We focus on transition and related services. We do some university teacher restructuring, paraprofessional programs, and we have a whole series of free professional development modules.

So just to give you examples of investments related to Native Americans, we have the Monarch Center. The Monarch Center, again, serves mostly tribal colleges and historically Black colleges and universities, and the purpose of Monarch -- let me tell you how it started. It started because we weren't getting applications for our programs from those entities, and we started a technical assistance center in order to support those universities, those colleges, to apply for the grants. We don't like people to get money just because they're good grant writers. We want them to get money because they're high need but also they have a great idea. And I've been in the discretionary business for a very long time, and I'll tell the reviewer all the time this is not an English exam, this is not at test of grammar, this is not about how to construct a sentence properly. It's about do you have a good idea, do you have a good design, do you have a strong budget, do you have strong personnel to implement it, it is likely you're going to have a significant impact on the population for which you're applying for the money.

So Monarch is there to support minority institutions. That's how it started. We upped the application rate fairly dramatically, but when we looked at what we were accomplishing, you really are not just looking for output, you're looking for outcomes. So our output was a whole lot of applications from these institutions. Our outcome was not many got funded, so we shifted that center's focus to supporting the development of high-quality applications. That's been pretty successful.

We then moved -- and they run workshops and all the typical kinds of professional development, but then we've now moved for them to support some of those colleges and universities to restructure their programs to better serve kids with disabilities in addition to just getting more money, so that's Monarch.

Some example of some of the personnel preparation investments that we've made. This one, the first one, is at Northeast State University, University of Oklahoma, and that's to produce speech language pathologist to work with Native American children. We have a San Diego State one to produce school counselors specifically to serve Native Americans, and typically there would be practicums specifically devoted to the population. Obviously, there would be an immersion for these folks to learn their business. I mentioned the Visions Parent Training and Information Center. We have a number of

doctoral programs that address the needs of Native Americans students, and there one at Arizona State. And again, this is to prepare future leaders to give them the background and the content in order for them to prepare teachers who will be sensitive -- who will be kind of culturally linguistically sensitive to the population.

Other investments. At Northern Arizona University, there's a doctoral program to produce faculty who are culturally and linguistically diverse and address exceptional education. At the United Tribes Technical College, there is an early childhood special education program. And again, the PTIs, the Parent Training and Information Centers are -- also many of them are addressing the needs of any high-needs population.

What are some funding opportunities for ya'll and the constituency you serve. Again, we just published what our leadership, our personnel development applications. It's on the street until I believe May 23. There are 14 awards in the doctoral and postdoctoral training, and in 2008, we had 169 scholar. OSPEC supports about 60 percent of the doctoral degrees in special education in this country every year. As a matter of fact, my assistant, who's back there, is a doctoral student who happens to be on some our money. We grow them, and we employ them.

(Laughter)

We take that very seriously in terms of that's the future. If you don't take care of your infrastructure, if you don't grow people to grow more people, you wither. So that is a very significant for our program. Also, these folks don't just become faculty. They're frequently -- these are your state directors of special education; these are your district directors of special education; they're leaders in the field.

We call this the combined -- this is mostly masters and bachelors, and the five areas are early childhood, minority institutions, low-incidence related services, and transition. And you can see in 2010 we did 41 awards. We had supported 982 scholars. We supported any given year about 8,000 scholars, so this is our future. These are the people that are going to replace me. I'm looking forward to it. I have to say.

(Laughter)

The last thing I want to chat about is our technical assistance resources. I think it's really important to recognize that these resources are available online and free to the public.

Our technical assistance centers are generally designed to address states, some local education agencies school districts, but it's mostly states because we just don't have the capacity. We just don't. The PBIS center is probably one of our most successful centers, Positive Behavior Intervention and Support. Their framework that they use, they are currently in 14,000 schools. That's an unbelievable amount of schools, but there's 150,000 of them. So they're just -- they're still getting going. They get about a million and a half a year. It goes to a university, the university takes 40, 50 percent off the top

for their indirect, so now you got \$750,000 grant. You budget maybe \$100,000 a person with benefits, travel, supplies, all that. You don't have a large staff to do the work, but we're very proud of it.

We have a national RTI center, response intervention that is working with multiple states very intensively. We have a national dropout center in special education specifically focused on kids with disabilities. We have a technical assistance center on social-emotional intervention in young children. It's called TACSEI. It's one of my favorite ones because they actually look at with the young child, 3-years old, 4-years old, what do you really need to do for that child generally who has a social-emotional impairment? What do you need to do to kind of foster that growth? To foster them into -- how many interactions does a child need to have with a nondisabled peer in order to progress, to develop language, to develop appropriate social skill? That's the kind of work that they've been doing, and it's really spectacular work.

(Pause)

Sorry. As I go on, we call this the placemat, okay. I only brought one, but it's online. You can get it. I think it's at tagnet. -- I don't know if it's org or net. I think it's org perhaps, but all of our technical assistance -- but these are all of our centers. All the ones in sort of the blue are the centers that we fund; plus, we jointly fund three comprehensive centers. So I brought one. I'll leave it --

MR. ACEVEDO: You can argue over it.

(Laughter)

MR. WEXLER: It's up to you, but I just -- because this is just a very minimal slice of what we do. Our regional resource centers, there are six of them, are in six regions in the country. They support states on a variety of areas, and as I said to you, Mountain Plains probably has more involvement in Indian education and has over time.

Our data accountability center I already mentioned. Now, write this one down: www.ideadata.org. This one I know. That's where all of our data are. All of OSEP's data is on that site. Now the beautiful thing if you go to where it says Part B Data, on the left hand side, there's a dropdown; and if you kind of follow it, there's something called data analytic tool. It allows the general public -- we created this a year and a half ago -- it allows the general public to run your own cross-tabulation. So you can run based on the population where we actually have race/ethnicity data; you can pull out your kids, and you can run them against the various factors that are there. It's a very nifty tool.

The one thing you can't do is we do not have race/ethnicity by disability within the assessment data, but think about what you could -- think about the possibilities. You can also do it by disability, so you can do race, ethnicity by disability, and you're find it's pretty interesting.

National Early Childhood Technical Assistance Center is a national center that provides supports and technical assistance. IRIS and CONNECT are two centers we find to produce free online research based modules to be used for either by university faculty as part of their courses or to be used in professional development. Anything you get off of there, especially IRIS, has 40, 50 modules on any kind

of topic you can imagine. It's research-based. It's fairly amusing, and it's free. It's great stuff. CONNECT is the IRIS version for early childhood. So that's the IRIS center. That's kind of what it looks like if you go onto the IRIS there at Peabody College at Vanderbilt.

This is the Parent Center portal. We created this a year ago. What this is is we have about 120 Parent Training and Information Centers, and each of them have a Web site, and none of them were interconnected. You can go on any Parent Center Web site now, do a -- if you did a search on Native Americans, it would search across 120 Web sites and tell you what's out there within our network and frequently products, frequently -- whatever is there in that area, and it'll tell you, certainly, where it is.

This is the LearningPort, and it's www.learningport.us. This was another one of our brainchilds in OSEP. We're kind of proud of it actually. What this is is about 800 free professional development modules, free; you can play with them, you can pull pieces off of them to create your own presentations, and let me give you an example. There are probably 15 states that have given us all their modules. Things like Pennsylvania Training and Technical Assistance Center. It's unbelievable stuff. The American Federation of Teachers gave us a lot of their modules. National Education Association gave us a bunch of their modules. All of the IRIS modules are on there, so this is a free resource anyone can use at the school level, and it's highly practical I think.

And that would be it. So I would open to --

MR. ACEVEDO: Thank you very much, Larry. Questions of Larry?

MR. ACEVEDO: Robert.

MR. COOK: Hi, Larry. I've met you once before I think, but I have a question on the -- I guess two of them real quick. One is the National Indian Parenting Information Center has that been put into the big overall technical assistance at all?

MR. WEXLER: It is not. What that placemat represents are OSEP's investments -- the Office of Elementary and Secondary Education investments -- which are the comprehensive centers and the equity assistance centers, and that's --

MR. COOK: So what happened to the National Indian Parenting Information Center?

MR. WEXLER: I have no idea. I don't know.

MR. COOK: You don't know. Did you know about it though?

MR. WEXLER: I don't actually.

MR. COOK: Oh. It was a center that provided technical assistance. It was parent led. Parents were the trainers, and they would come to schools, and they would provide technical assistance and advice for parents with children with disabilities, and it was funded under the U.S. Department of Ed at one time, and now it's, from what I understand, it's no longer funded or -- I don't know exactly what happened to it.

Another question is what -- I know there's a lot of resources for children when they're in school, but it's another huge issue what happens to them after they get out of school when they no longer receive those services once they reach 22 or whatever, and I know on our reservations and communities it's a huge issue with many of those children that there's no help for them, there's no support and that too. So I wonder if there's programs that are out there that can help those -- continue on with helping them to have job skills and be able to be productive because I know we lose a lot of those children to suicide and to other socioeconomic issues just because I guess once they get out of school there's no more support for them too. And it's a big worry.

MR. WEXLER: Well, I'll start out with the bureaucrat's answer, okay, which is that I work specifically under IDEA, and that goes depending on the state through 21, so we have no authority to really go beyond that. Certainly, there are two possibilities there. If the child is sort of certifiable as disabled, he would qualify under voc rehab. So Rehabilitative Services Administration is in the office of our larger office, which is in the Office of Special Education and Rehabilitative Services. In addition, our Office of Vocational and Adult Education may have resources; but, honestly, I don't know what those resources are.

MR. ACEVEDO: Robin.

MS. BUTTERFIELD: Yes. I've got a couple of questions. In your slides where you talk about the preparation of doctoral and masters and bachelors students, do you know what percentage or even numbers of those might be American Indian, Alaskan Natives individuals?

MR. WEXLER: I don't --

MS. BUTTERFIELD: Do you track that?

MR. WEXLER: -- know the percentage. I can tell you that there is a requirement that they address the needs of -- that they -- legally, we cannot -- we are not permitted to have a quota. The Supreme Court was very clear on that. We cannot have a quota. We can accept applications that say they're going to recruit, and among the recruiting will be various race/ethnicities, but we cannot fund a project that's say we're looking to just pull in Native Americans or Hispanic or any other group, so we're kind of bound by that, but we certainly encourage the inclusion of all races and ethnicities.

MS. BUTTERFIELD: Okay. The second question is is there any kind of crosswalk between your Title VII folks and IDEA and -- my question is coming from the perspective of begin a director for a Title VII program in the second largest school district in Oregon for a period of time, and I spent I would say not all my time, but I did spend some time being called in for meetings with parents of students with disabilities as the only person they felt confident that could be an advocate on their part. And at that time, I was not very well trained. I later went on to work in the BIE system where I administered training programs for 13 tribal colleges and universities that were delivering professional development.

But I would suspect that many of the Title VII folks have very limited experience in terms of IDEA requirements, and yet they do I think have that charge because that's who the parents trust.

MR. WEXLER: I think coordination across our Department could be improved.

(Laughter)

MR. YUDIN: Let me respond.

MR. ACEVEDO: Michael --

(Crosstalk)

MR. ACEVEDO: -- what do you think?

MR. YUDIN: Yes --

(Laughter)

MR. YUDIN: No, there's no question about it, and you raise a really, really important point, Robin. We've actually began some collaboration, the Office of Elementary and Secondary Education and OSEP, special ed looking at how do we build positive behavior into (inaudible) support, school discipline, and emotional disability, those kinds of issues are absolutely critical to turn around low-performance schools, are critical to all schools. Response to intervention, which is a multi-tiered system of interventions and supports for primarily kids with disabilities, but it actually works for all kids. So we're exploring those opportunities to really do a better job of partnering. We haven't actually had a single conversation as you just said, so that's on my to-do list next.

MR. ACEVEDO: Thank you. Mary Jane.

MS. OATMAN-WAKWAK: Good afternoon, Larry. My question is specifically in schools in states -- okay, let's see how to frame this question. Was the Bureau of Indian Education school systems held to the same criteria of the states in redirecting that certain percentage for those schools that have been identified as having disproportionate numbers of Native students within special ed for redirecting those for early interventions service? The letter that some of the states had to hand down to some of their schools districts, did the Bureau of Indian Education school systems goes through the same thing within their schools?

MR. WEXLER: I'm not totally sure, but there are a number of different components to that though that are, and someone mentioned before -- I think Robin or Mike -- about it's statute, okay, so we're controlled by statute. So in terms of disproportionality, there's two things going on there. There's disproportionate representation; so if the state finds that there's -- this is a state on local education agencies, so if the state finds there's disproportionate representation in the identification of students with disabilities, okay, so by race/ethnicity, and it's also by discipline, they have to examine their policies and procedures and do whatever makes sense. So they examine their policies and procedures, and if they feel like their policies and procedures are inconsistent with good practice, they change them. Or they examine their policies and procedures and they state that as far as they can see based on their examination there is nothing driving the disproportionate representation.

The other is significant disproportionality, and that's probably -- you may be referring to that. And if a state finds a district, but it doesn't say school, and I would be very surprised if it went by school within in BIE, but I don't know, okay. And I don't want to make a statement that I don't know about. But if the state finds that a district has significant disproportionality based on race/ethnicity, they are required to require that district to set aside 15 percent of their IDEA funds to essentially address the needs of those kids but not necessarily only those kids.

So the problem that's faced is there was never a definition of significant for significant disproportionality, so the state has the authority to set its own standard. So some states set a standard of 2 to 1. Based on your population, if twice as many kids who are Hispanic get identified for special ed, then that's significant. Other states have said 5 to 1 or 6 to 1 and, frankly, have not identified any districts that have significant disproportionality. So it's -- go ahead.

MS. OATMAN-WAKWAK: Okay. So then I guess a follow-up to that, as we're looking at aligning some of these policies through -- will there be any mechanism through the reauthorization of ESEA to address some of these issues within IDEA? I mean it don't seem like they're on the same track for reauthorization, which I think is a big concern.

MR. WEXLER: We're more on the same track than you would believe.

MS. OATMAN-WAKWAK: Okay.

MR. WEXLER: But statute generally has to be addressed in both, both statutes, but since there's nothing about significant disproportionality in ESEA, it'll probably have to wait till IDEA unless ESEA for some reason decides to do it. I'm going to turn it over to the ESEA guy.

MR. YUDIN: Yes. Part B of IDEA is permanently authorized, so technically Congress doesn't ever have to reauthorize it. We though are actively working as a department, as an agency to see how we can better align the programs, and that includes legislatively as well, so we really just started working on this effort, seriously working on this effort, but it's important to a number of constituencies, and it's important to us to kind of break down the silos, and at the end of the -- all our kids are under one roof, so we need to make sure that we're educating.

I just wanted to say too in response, since I have the mic and I don't know how to not talk sometimes, is that with regard to the disproportionality -- and I don't have data to back up what I'm going to say -- but we know that minority kids are sometime disproportionality identified as needing special ed, and a lot of that is because of cultural insensitivities, higher incidences of poverty; and again, I don't have any data to back this up, but I have to imagine that Native American kids are subject to that same overidentification. That was just something to either explore or think about, but...

MR. ACEVEDO: Theresa.

MS. JOHN: Yes, doesn't this apply to our postsecondary education? We have a lot of students that are in need of -- especially L2 students where English is their second language, and they didn't have proficient training at the secondary level. Does this apply for them also as well at the --

MR. WEXLER: No.

MS. JOHN: -- college level? Just -- I'm just --

MR. WEXLER: No. At the college level, they would qualify under the Americans With Disabilities Act in terms of a 504 plan. And a 504 plan in the absence of an IEP can be powerful plan. But, again, our responsibilities basically ends when the child either, depending on the state, turns 22 or exits high school.

MR. YUDIN: And if I could just add to what Larry just said, Section 504 of the rehab act requires recipients of Federal funds to ensure that individuals with disabilities have reasonable accommodations, so that would apply, and the Americans With Disabilities Act as well would apply.

MR. ACEVEDO: Any other questions of Larry?

MR. PHELPS: Larry, it's a question and a comment. Comment to Michael's. If I were still seething over the impact aid process and lack of a question --

(Laughter)

MR. PHELPS: -- I would say that the most sure way based on the slides you are showing here to close the graduation gap would be to get more kids identified on an IEP in schools because you're reporting 60.6 percent students with disabilities are graduating yet, and then approximately 58 percent of Native students are graduating, which is a pretty small gap compared to the 80 percent or 90 percent some of our states in the 30 percent -- -

MR. WEXLER: I agree.

MR. YUDIN: -- graduation rate.

MR. WEXLER: I looked at that as I was saying it, and was wondering is that a mistake and --

MR. PHELPS: Well --

MR. WEXLER: -- because it's a bit counterintuitive I thought this --

MR. PHELPS: Right.

MR. WEXLER: -- I will follow up just --

MR. PHELPS: Yes.

MR. WEXLER: -- to make sure that those were accurate.

MR. PHELPS: Yes.

MR. YUDIN: Nationally, the numbers aren't quite bad, so --

FEMALE SPEAKER: Yes.

MR. YUDIN: -- just --

MR. ACEVEDO: Any other questions? All right, Larry.

MR. WEXLER: Before I go, I will say that I've been doing this a long, a really long time, and when P.L. 94-142 was passed in 1975 when President Ford signed that, the Congress noted that over 1 million children with disabilities were frequently excluded from school. They simply weren't allowed in the school door, so we consider this to be a civil rights issue. And those of us who have been doing this a long time, it's kind of on our DNA to serve every child, that this is the only individual entitlement in statute in the United States. So we take it very seriously, and every child counts, and we will do our best to ensure that every child gets what's coming to them in terms of services because of their disabilities. So thanks a lot.

MR. ACEVEDO: Debbie has a question.

MR. WEXLER: Oh, I thought --

(Laughter)

MS. JACKSON-DENNISON: More of a comment, and it kind of goes off of what Michael mentioned about misidentified special ed students under school reform, and I appreciate your presentation. And coming from a public school district in Arizona working in school reform, it's just noted that there are students that are misidentified, but a large part of the reform movement stems from statistically how much we have to implement a true RTI program because if you don't have that in place that's when you have a tendency to more -- and in many cases, what I've found thus far in my career so far has been that the general public does not understand what RTI is, and so it's just -- and I'm talking about even the main stakeholders, the teacher group, doesn't understand what it is, and we have a long way to go to educate our stakeholder on what it is, and that's why there's a lot of misidentifications going on.

MR. WEXLER: Well, RTI has a foundation, and that foundation is that the instruction in the school is evidence-based, so without that foundation, good things are unlikely to happen to the children in that school, so that's how it applies to every child. And in our experience in well-implemented RTI systems, it doesn't necessarily reduce the number of children with disabilities. What it does is, number one, it identifies them earlier; and number two, they have fewer false positives. So the kids they actually evaluate tend to be because they've truly not responded to strong evidence-based instruction; they've not responded with the trajectory that they need to have. Those children are in fact have a disability, and they get identified and served earlier, so it's not a panacea, but it's still the evidence-based instruction that's at the foundation of it.

MR. ACEVEDO: Any other?

(Pause)

MR. ACEVEDO: Larry, thank you very much.

MR. WEXLER: Thank you.

MR. ACEVEDO: Thank you. And great responses too. Thank you so much.

(Pause)

MR. ACEVEDO: We invite Enid Marshall for rural education program to present to us.

(Pause)

MR. PHELPS: I just have a comment to our chairman. Is there a possibility that -- and I apologize to the rest of our council -- but is there a possibility to provide a glossary of acronyms for us?

(Laughter)

MR. PHELPS: And I apologize because I come in from a little different environment, but I don't know if our assistants can gather that information for us?

MS. LEONARD: Yes, we can.

MR. PHELPS: Okay. Thank you.

MS. LEONARD: Okay. We do have a glossary.

MR. PHELPS: Because if it wasn't for my colleague sitting next to me, I'd be wondering what all this --

(Crosstalk)

MR. PHELPS: -- excellent comment. As a lawyer, I was going to start to use some Latin on all of you, so...

(Laughter)

All right.

(Pause)

MS. MARSHALL: I'm going to invite the members of the rural education achievement program team who are here -- in their seat, yes -- welcome to sit up here, but --

MR. ACEVEDO: Enid, the microphone.

MS. MARSHALL: Oh, sorry.

MR. ACEVEDO: Thank you so much.

MS. MARSHALL: I'm sorry. But first I want to introduce at least the four team members that are here. There are eight members on the team altogether. The other four are -- one's getting married.

(Laughter)

MS. MARSHALL: Robert Hitchcock, who does most of our data analysis and helps us determine eligibility. Janil (ph) Chambers, program officer. Mark Bardwell (ph), also program officer, and Nicole Harris, program office. And I'm introducing them because they each have responsibility for states, and at the end I'll give you the link where you can go and see who's responsible for what states, and if need be, you can give them a call. Jenelle asked --

MR. ACEVEDO: Thank you -- excuse me -- thank you very much for coming. I appreciate you being here. Thank you.

MS. MARSHALL: Mark, you want to hand them out.

(Pause)

Okay. Now I'm going to try to work with this little gadget here. I'm so used to a mouse. Jenelle asked me to come and speak to you about the rural program as part of a push in OESE but particularly one of her pushes for us work more collaboratively within OESE with all the programs that are serving the same children. So you have in a number of schools, you've got Title I, which is basic programs; Title III, which is serving students, English-language learners, and you've got Indian ed programs serving primarily or focused on Indian ed children. Then there's a rural program. In the scheme of things, it's a fairly small program, but it's designed specifically to address the needs of rural schools in the United States. So the questions, why do we have a program specifically for rural?

Rural districts make up nearly 40 percent of all school districts in the United States; 20 percent of the children in this country attend rural schools. Rural schools are in -- the Department of Education has identified rural schools in 48 states, this year coming up 49 for the FY2011. And one factor that's important is that 40 percent of the students aged 5 to 17 that attend rural schools are poor, and that's significant. I'll talk about that in a minute.

So what are some of the challenges? And a lot of the challenges, the unique challenges for rural schools relate to characteristics of rural schools. First place, they're diverse. Rural communities and the schools that serve them are as diverse as the United States. But there are certain characteristics that are -- certain factors that are unique regardless of that diversity. So rural schools are serving all ethnic groups. They're serving students with diverse needs such as special education and so on, but there are these factors. School and district size is one of them.

Small schools can be a benefit, but they can also be limiting in that small school districts sometimes don't have the resources, access to the resources so that they can prepare students for the 21st century. Geographic isolation is also a factor that makes rural schools unique. While some rural schools are small and isolated, others rural schools district may be very large with a large number of students, but the individual schools within that district can be small and isolated.

And then poverty. Poverty plays an important role. A recent study, I guess it was 2009, the Rural Community Trust Study pointed out that 40 percent of rural schools districts are poor, but about 63 percent of the students those districts are -- are in districts that have high concentrations of poverty. Those districts also tend to be the districts that have the highest minority populations. In the Southwest, that's going to be Hispanics and American Indians. In the South, Southeast, that's going to be primarily African-American, Black although there are more Hispanics moving into some of the southern states at this point.

One of the things noted in the study is the higher poverty the higher the minority population, the lower the student proficiency, academic proficiency and the lower the graduation rates.

Let me move on and just talk a little bit more about some of the uniqueness of rural schools, and one of the biggest one is rural schools have difficulty recruiting highly qualified teachers or effective teachers especially teachers who are teaching the higher level courses, math, science; and teachers who can teach special courses, art, music.

Even after hiring -- well, one of the things is in recruiting highly qualified teachers they don't have the salaries, they don't have the incentives, they don't have many times access to the colleges for matriculation into the schools. But once hired, they don't have access to training and professional development particularly isolated schools, isolated rural schools where even getting to professional development can be difficult, traveling across particularly large states. And then even if you have recruited and hired, keeping teachers in geographically isolated schools is extremely difficult.

One of the things that we face -- one of the challenges that we face as a program office is the constant turnover. Now that's the program office dealing with our grantees, but imagine what's happening to the students and the schools where there's no continuity from year to year because of the turnover.

So related to not being able to recruit teachers -- and school leaders, that's another one -- is the access to the opportunity to learn. So without the higher level courses available through having teachers, teachers are often teaching several different subjects. There is lack of access to specialized courses and to credit recovery. If a student does not pass a course, there's no opportunity to recover that credit.

And all of this is related, of course, to resource capacity. One of the challenges with regard to knowledge communities, again, you've got an isolated school with limited staff, there's limited opportunity for that staff to work together and increase their knowledge and their skills and their abilities.

The economies of scale. Unless a rural school district is able to collaborate with other school districts, develop regional consortia, or purchasing consortia, then the cost of resources is going to be much higher when you're buying it in small pieces.

And then finally, small title allocations, and this is one of the main reasons for rural education achievement program. Many of these schools get such -- the schools are so small and the number of students small that the allocations they're getting for the other title programs are too small for the districts to use that money for the purposes that the funds were intended. With the ed tech program, which is another program in our office, in School Support and Technology Program, some of the formula allocations for ed tech are as low as \$10, \$12. Well, that's certainly not enough. By the time it's put out, gets all the way out to the school, that's certainly not enough to purchase computers; it's not enough to purchase technology.

So the rural education program, how does that help? It provides flexibility, and it provides resources to help rural schools and districts use their Federal funding more effectively and be able to target those resources to the local needs to improve student achievement. So that in a school that's eligible for REAP, instead of having to live by the allowable uses of the various programs, there is some flexibility there to take the funds that are available to them and use them to address specific needs.

There are two programs in the REAP, and these two programs recognize the diversity in rural schools, the small rural schools versus those that are not so small, the large school districts, but the schools within the large school districts are small. So the Small Rural Achievement Program, SRSA, the Department awards formula grants directly to eligible school districts. And when I said that Robert Hitchcock is the one that runs that data and determines eligibility, that's what I'm referring to: Running the data, determining eligibility and making those awards.

The Rural Low Income Achievement Program awards formula grants to states which in turn make subgrants to the rural districts.

I'm going to show you a little bit about how that works. Last year -- some of this has become askew in translation, but that is \$174,882,000 is what's available through -- is the allocation, FY2010 allocation for the rural program; 50 percent of those funds got to fund the SRSA program; the other 50 percent funds the RLIS program. The Department passes the 50 percent directly to eligible school districts who have applied for the grant. It's a formula grant program, so it's not competitive; all they have to do is fill out an application and be eligible.

With the rural low-income program, the Department reserves one half of 1 percent for BIE schools; another on half of 1 percent goes to the outlying areas, and then the remaining 99 percent goes to the states, and the states in turn distribute the funds by formula to eligible districts.

To be eligible for SRSA, an LEA has to be small, and it has to be rural. So it has to have fewer than 600 students, serve only schools in counties with fewer -- or -- serve only schools in counties with fewer than 10 persons per square miles, and it has to be rural. And by rural, it has to meet the rural definition established by NCES to have a locale code of either 7 or 8, and that's all the schools in that district, or it can be located in an area of the state defined by a state government agency as rural, so small and rural.

To be eligible RLIS, an LEA has to be poor and rural. That means at least 20 percent of the children ages 5 to 17 are from families with income below the poverty line, and all of the schools in the LEA have a locale code of 6, 7, or 8. These tend to be the larger districts, higher student population, but the individual schools within the district are rural. And the LEA cannot be eligible to participate in the SRSA program. That's one of the other eligibility criteria. So we always do eligibility for SRSA first and then determine eligibility for RLIS.

So participation in the SRSA program in FY2010, there were 4,697 eligible districts. This little team over here and their four compadres made 4,116 individual awards to these rural school districts across 48 states.

For the RLIS program, there were 1,558 eligible districts for the RLIS program in 40 states. The ADA, total ADA, average daily attendance, for the students across the 40 states was 3,104,138.

Now these are in keeping with our working to begin to collaborate across programs, who are we serving? To what extent are the districts and students that we're serving overlapping? So of the 1,068 formula grant awards that were made by OIE, 453 of those districts were also eligible for SRSA and 194 for RLIS. What we need to do is to identify those districts -- and we can very easily -- but identify those districts and really begin to work with OIE so that when we are monitoring the districts we can help them to better target their resources to meet their local needs.

There are two programs in the SRSA program. Let's talk about SRSA. One of them is REAP-Flex and the other is the grant programs, so there're two components of the SRSA program. REAP-Flex allow eligible districts to target applicable funding that they receive under other Federal programs to more effectively address local educational needs and priorities. That's REAP-Flex. What it doesn't do, REAP-Flex, it's not a grant program; it does not provide grant funds. Every district that is eligible for SRSA is eligible for REAP-Flex.

I talked a little bit about applicable funding, but I want to stop for a second because since every district is eligible for REAP-Flex every district is not necessarily -- do not receive an award, a grant award. So REAP-Flex applicable funding refers to funds that the district receives under these four programs: Title II-A, which is teacher recruitment; Title II-D, ed tech; Title IV, Safe And Drug Free; and Title V, innovative programs. Some of these programs are starting to phase out as we move toward reauthorization.

There'll be other programs that take their place in reauthorization, but essentially any school district that's eligible for SRSA can use the funds they receive, these grant funds -- under the first column to the left, your left -- and use those funds for any activities under any of the programs in the center -- they can use those funds for Title I activities, which could be the school improvement activities. They could use those funds for teacher recruitment if that's what the priority is. They can use the funds for technology. They can use the funds if they have English-language learners and that's a priority; for 21st century after-school centers, and under Title V innovative programs. And even Title V alone is a very broad category of programs.

Even if the district does not receive funds under the programs on the far left, it can still -- on any of these programs in the middle -- it can still use the programs, still use the funds it receives in the far left, for activities in the middle column. The result being --

(Pause)

Okay.

(Laughter)

The result being --

(Laughter)

-- the result being able to focus on any of these LEA priorities. And these priorities, again, if you look at the way it's structured, these priorities, school improvement, teacher recruitment, professional development, technology, distance learning, which is one of the ways that districts address some of access and resource needs. All of the activities in the center programs can be used to address those priorities.

Grant activities. SRSA program provides funds. This is the grant program. Essentially, with the grant funds received under SRSA, you can use those funds as well as your applicable funding for the same activities to address the same priorities. So you're getting both flexibility and resources to address the local needs.

RLIS funds. It's a grant program for the same types of activities: Teacher recruitment, professional development, technology, parental involvement, and so on. All this is in your little handout.

There is program accountability. The program is designed to improve student achievement. It is designed to help districts make their state achievement levels. So LEAs that participate in the program must give a state assessment; they must determine AYP every year, and they must make AYP after three years in the program. LEAs that don't make AYP after three years in the program must focus if they want to stay in the program all of their applicable funding and their REAP grant funds toward the Title I school improvement plan. That's the caveat of not making AYP.

Two more slides and we're done. Here we're talking about achievement outcomes for FY2010. The small rural -- achievement of the small rural programs tend to do very well in making AYP. The RLIS schools where you had the -- where all of them are poor, every school that receiving RLIS funds is above -- between the poverty line, 20 percent. And you can see the difference in their performance. When I said earlier on that high poverty, high minority tend to do -- not to achieve as well, and you can see it in the data.

The next slide is after three years, so achievement after three years in the program is about the same.

MR. HITCHCOCK: Enid?

MS. MARSHALL: Uh-huh.

MR. HITCHCOCK: (off mic) I'm sorry. Just to point out to (inaudible). It should be did not make AYP --

MS. MARSHALL: Oh.

MR. HITCHCOCK: (off mic) -- typo (inaudible).

MS. MARSHALL: Thank you, Robert. See that's why he does all the data analysis because he catches the mistakes. Thanks.

That brings us to the end. This is the link. It'll lead you to the statute and to the guidance and also to the list of our program offices should you want to talk with them about school districts, rural school districts in your state. They are listed by state. That's it.

MR. ACEVEDO: Enid, thank you very much. Questions of Enid by members of the Council? Please.

MS. OATMAN-WAKWAK: What defines rural?

(Laughter)

MS. OATMAN-WAKWAK: Because we struggled with this a lot in Idaho, predominantly rural --

MR. ACEVEDO: Idaho is rural.

MS. OATMAN-WAKWAK: Yes.

(Laughter)

Even the districts among themselves they have this -- then you get a population that's has 5 to 10,000 in Idaho, they want to think they're urban so --

(Laughter)

-- I was just wondering like what is the definition of rural to classify --

(Laughter)

-- to allow them access to a pipe of the funds?

MS. MARSHALL: By statute --I heard everybody up here say --

MS. OATMAN-WAKWAK: By statute.

MS. MARSHALL: -- by statute. By statute, it's defined as a locale code of 7 or 8 or SRSA and 6, 7, or 8 for RLIS; 7 and 8 tend to be -- 7 tends to be rural, isolated; 8 is --

MALE SPEAKER: (off mic) Inside of (inaudible) --

MS. MARSHALL: -- inside -- yes. They are geographically based. The locale code that we currently use in statute will likely not be the same locale codes. NCES has come up with -- in National Center for Education Statistics -- I heard you about the...

(Laughter)

-- National Center for Education Statistics is the one that determines the locale codes. They've come up with a new methodology that may be more consistent with the way jurisdictions define themselves. There are many more categories. Through reauthorization, we're likely to switch to those locale code.

MS. OATMAN-WAKWAK: Okay.

MS. MARSHALL: Robert, can you -- is there anything we can add to?

MR. HITCHCOCK: (off mic) That was pretty much it. NCES is the one who determines rural. They have a methodology for that, exactly what you said. The only other way is currently NCES (inaudible) program states are allowed to submit definitions of rural and districts who meet those definition. So many (inaudible) that's under the state has the definition of rural, they can submit which districts meet that definition for (inaudible) of (inaudible).

MS. MARSHALL: We actually had a department of transportation to come up -- they said this district is rural based on the Department of Transportation's definition of rural, so it doesn't have to be the Department of Education as long as the state has a defined definition. Okay.

MR. ACEVEDO: Other questions of Enid?

(Pause)

MR. ACEVEDO: Thank you very much, Enid. Thank you.

MS. MARSHALL: Thank you.

MR. ACEVEDO: Thank you all for coming.

(Pause)

MR. ACEVEDO: Excuse me. Alyce has a question, Enid. You're not off the hook yet.

MS. SPOTTED BEAR: Would you accept the tribe's definition of rural?

MS. MARSHALL: It's a good question.

MS. LEONARD: (off mic) We'll get back --

MS. MARSHALL: We'll get --

(Laughter)

MS. MARSHALL: In case you didn't know, this is my fearless leader.

(Laughter)

MALE SPEAKER: (off mic) We're (inaudible).

MS. MARSHALL: We all --

(Laughter)

MS. MARSHALL: So I defer to Jenelle. She says we will get back with you. That is a good question. It has not come up, and it's a very good question, yes.

MR. ACEVEDO: Okay. Thank you again. Thank you so much.

MS. MARSHALL: Thank you.

(Pause)

MR. ACEVEDO: We're going to -- Fran Walter, group leader, on technical assistance programs. Fran, welcome.

MS. WALTER: Good afternoon. I haven't been here all day, but I know you have, and I can't imagine how you're still taking in information at this point, but I do appreciate you giving me a little bit of time to talk about the technical assistance work that we're doing. I don't have a PowerPoint. My presentation will be fairly brief. I'd be happy to answer questions or take comments when I finish. Thank you.

Jenelle asked me to come -- and this is not a programmatic presentation, so this isn't about Title III or Title I or Title II, but it is about a term that in some ways is almost an acronym I think itself, which is the term technical assistance. When I came to the Department in 2001, I had never heard that term before. I had no idea what it meant, and it took me a while to figure out what technical assistance was. I worked in schools and school districts, and we certainly never used that term where I came from.

And I came to find out that in a large measure it meant "We're here to check up on you, and if we can help you, we will, but we're really here to check up on you."

(Laughter)

And I spent the first years I was in the Department in Title I and we did a lot of monitoring, and we were always very kind, and I think we were very supportive, but really we were checking the boxes to see if you were doing what you were supposed to do or you weren't. So we've kind of -- again, in my time now, almost 10 years, I've really kind of come to make my peace with that term, but I will say that with the arrival of our Assistant Secretary in the Office of Elementary and Secondary Education about two years ago that term took on a new meaning, and I want to kind of frame what I'm going to talk about in that context.

She began to ask you more or less because she's also from a school district, "What is this technical assistance that we all say that we do?" And what she began to frame for us was an idea that what we wanted to do -- because we have to; we have to monitor; we have to be good stewards of the funds. We owe that to the taxpayers; we owe it to the people -- to the students who are supposed to benefit from it. So we need to keep doing that monitoring side of it.

But what Dr. Melendez began to ask you to do is to get the balance better in place and do as much real supporting as we were doing checking and to really try to at least make them equal, and if we could, get it to the point where we were really actively helping people, and we've all heard that joke, "We're the Feds. We're here to help," and everybody rolls their eyes because they don't really believe that. But she really wanted us to take that to heart. And so as I said, about two years ago, she began really emphasizing that we needed to take this term and make it translate into support, support for our grantees because many of them are first-time grantees or they're looking for guidance from us and then really, most importantly, because that money is being used to support student achievement.

Along about the same time, technical assistance throughout the Department became a very big deal. And I don't know how much you know about any of the other initials that are going on department-wide, but that whole notion of we really can be more supportive and how can we do that has really been a topic that we've been talking about for about a year.

So I want you to kind of keep that in mind as I talk about the two programs that I work within the Department because unlike a lot of programs -- so you hear about Title VII or Title III -- often out of that funding there's as set-aside that we call national activities money, and it often is used to fund a technical assistance center. We do a contract with someone who's goes out and does the work that the program needs to have done in order to make the grant funds work smoothly.

But the programs that I work with, the Comprehensive Assistance Centers and the Equity Assistance Centers are funded directly to do technical assistance to state school districts and schools. So there's no -- they're not there to implement Title II. They're not implement -- to Title VII. They're there to help states help their districts and schools support student achievement.

And so it's not a unique program. Larry certainly talked about a lot that OSEP does, but if you go back to that placemat that he held up, we're on that placemat too, but we're not in the Office of Special Educations programs; we're in the Office of Elementary and Secondary Education.

So in the Comprehensive Assistance Centers, just briefly to give you an idea -- I think you probably know a lot of this already -- there are 21 centers, and they get about -- we have an annual budget of about \$55 million a year that's appropriated by Congress. Of those 21 centers, 16 are throughout the country, and they are each assigned to an average of about five states. Their job, as I said, is to take their money -- the lowest budget for one is about \$900,000 a year, and the highest budget is in California. They get about \$6 million a year. The amount of money each comprehensive center gets is based on the density of students, the number of students and then a percentage of those students that are in poverty, so that really drives -- it's not geographically divided money, it's kid divided money.

There are also five what we call content centers that focus on specific topics. There's one that focuses on high school issues, one that focuses on teacher quality issues, one that focuses on assessment and accountability, school improvement, the rapid turnarounds that we keep talking about, and one that focuses on instructional materials. Those five centers are designed to kind of help the other 16, giving them materials, research, information that they need so that the 16 can turn around and work with the state education department in order to help the state do a better job.

Just briefly, I want to also talk about the Equity Centers. But briefly, I want to just say I wrote down four different kinds of work that the comp centers do just to give you an idea if you're not familiar with them. One of their jobs is to bring people with common concerns in the states together. So right now in fact, we're in the midst of planning a conference that's being sponsored by the north central comp center that will really focus on the school improvement grants which come out of Title I and how those grants can best be implemented for American Indian students and for rural students. So that conference will go on in May, and I'll be glad to get you more specific information if you're interested in it, but it's a convening function, if you will, of the comp centers.

When we're not doing busy doing these big meetings, and this is a big one, a lot of the other convening work is bringing states in a particular reason together because very often they do have common concerns, and they want to talk to each other and find out what the other is doing, so the comp center will often convene them.

Another thing the comp centers are charged with doing is really gathering the best knowledge and information. They don't do their own research, but they often will talk with a state and say -- the state will say, "What's the most recent research out there on X?" "Or how can we best address the needs of rural students?" And so a lot of the other work of the comp centers is really bringing that information together and putting it in a form that usable so that the state doesn't have to do that legwork.

Another example is a lot of collaborative work. Larry talked about the technical assistance centers in OSEP, and there's a lot of collaborative work that goes on especially in the Mountain Plains area, for instance, and then we have another one up in North Central where the OSEP centers and the comp centers work together on areas of common concern.

And then finally, and this is probably really the bulk of most of the comp center work, they do a lot of in-depth work with states. So every year they sit with the state leadership, this SEA leadership, not the governor but the state commissioner, sit with that person and his or her cabinet and say, "We're here to work with you. What are the priorities that you have that you think we really can do the most good helping build your capacity to assist your districts and schools."

I'm saying that because I'm anticipating that one of the questions you might ask me is, is there work that goes on with American Indian students and American Indian student issues. And the answer, of course, yes, in some ways. As I said, we have a conference that's being planned right now. But it's also possible that the answer would be no, and that might be something that you want to think about because when the SEA leadership says to the comp center, "These are our priorities. These are the

things that this year we really need to focus on,” often there are issues that cross the needs of all students.

So we have a lot of work, for instance, going on now with common core standards. We have a lot going on with formative assessment; a lot of work going on with accommodations for students with special needs whether it’s language needs or whatever. And so, there isn’t a lot of very what I would call specialty focused work that goes on. A lot more of the in-depth work that goes on tends to cut across all areas of student achievement. And again, whether that’s good or bad is not my point. It’s just that I think it would be very reasonable for you to ask how does this affect us, and I think that in some ways it does in a very big way, and in other ways, you might not see it as clearly as a technical assistance center, for instance, that focus on American Indian issues.

Let me briefly just veer off before I finish and talk about the Equity Assistance Centers. There are 10 equity center, and by the time Larry got done talking and now I’m getting close to being done talking, you’ve probably figured out that one of the real problems the Feds have is their numbers. So OSEP has 40 centers in different places. The education labs, regional education labs have 10 in different regions. The comp centers have 16 in regions that are not the same as either the OSEP or the labs, and then the equity centers have 10, and they’re in also different regions. So again, and when I do these presentations, often the very first question is, “Couldn’t you get your act together and” --

(Laughter)

-- “make the regions be the same?” And I think it’s -- we always duly write that down and go, “That’s a great idea.” Because it is a great idea, but you know as well as I do that a lot of -- all of money we have gets appropriated by Congress, and that often there is language in the statute that says where these centers will be and what the regions will be. And so I think, as I said, because partly because Dr. Melendez and the entire department really wants this to work better, I can see us moving toward that in ways that we might not have even tried to do before.

But back to the equity centers. There are 10 of them, and they were funded in 1964 by the passage of the Civil Rights Act, and the equity centers were originally put in place in order to help schools desegregate, literally the desegregation issues, everything from bussing to training teachers to sensitivity training among students. And they have been funded at \$7 million a year more or less every year since 1964, but what their mandate has moved a little bit more as desegregation seemed to be less of an issue although now we’re worried, of course, about resegregations, so it’s really never gone away.

But the mandate of the equity centers has really broaden out somewhat, and now what they do is focus on equity issues in a large context. So any time that a school or a school district or a state education agency is really struggling with an equity issue, whether it’s accommodations for limited English proficiency students or whether it’s students who are being harassed or bullied, whether it’s teachers who need cultural sensitivity training, the equity centers are really there to do that work.

But I don’t have to do that math for you to realize that they very small budgets. There are 10 of them, and the total appropriation for them is \$7 million a year, so they have a very -- and again, they’re

in these regions that tend to be five, six, seven states. So they do good work; they're very dedicated to their work, but their reach is somewhat limited just simply because of the geography and the amount of funding that they have.

So I'd like to wrap us just by leaving you with some ideas. I know when I was planning this Jenelle and I talked a little bit about some of the issues that you have been thinking about and talking about. And as we continue to look at technical assistance, we're getting ready in 2012 to do another competition for the comprehensive centers, assuming that Congress appropriates the funds of course, but the current centers will go out of business, and we're in the process now of really gathering information from the United States, from people in states, from parents, from all kinds of people about what the comprehensive centers should do in the next round, what would be good work for them to do.

So, of course, in thinking about that and thinking about you and what you've been thinking about, that Jenelle has talked to me about, I want to just point out a couple of things that we're struggling with about comprehensive assistance centers. One I've already mentioned, which is they have to cover a broad area and a broad number of topics and with not a lot of money. But the flipside of that is that if you get a center that covers only one topic for the nation, we have five of those as well, and there are definitely drawbacks to that as well. Because when you have one center that hopes to -- let's say we had a rural center, because we talk about that a lot, what can one center with about \$1 million a year do to really impact what goes on in, as Enid said, in the thousands of rural districts that there are in the United States?

So we go back and forth. I think the plus side of a single topic is intensity, its focus; it's really trying to get the best information out there and get the awareness raised. And those single topic centers can really serve a great function, but what we found out from the regional centers is that -- and you know this too if you've ever done any work with education -- that a lot of the real work happens after the awareness is raised and after the meeting is over and after everyone goes home. Then you have to keep being there every day and really trying to have a sustained relationship with your client, or it's the fad of the moment, and it goes away, and you have a nice newsletter left.

So as we continue to think about these topics and really try to figure out what is the best way with a limited amount of money to serve our states and help them serve their districts and schools, those are the kind of issues that we're dealing with.

And I'm going to stop now. I do want to say one more time though that we will be doing outreach -- we have some formal outreach that we're doing about the comprehensive center competition, but they'll be a lot of informal outreach as well, and I really urge you to look for that in the coming year, and we'd certainly welcome your ideas. But I'm happy to answer any questions or comments. Bernard warned me that there was a question earlier about the comp centers.

(Laughter)

MR. ACEVEDO: Fran, thank you. Questions of Fran.

(Pause)

Robin.

MS. BUTTERFIELD: First of all, thank you. That was really helpful in terms of the variety of different purposes that these centers are serving. The problem that I'm observing having -- I actually worked at a lab. I worked at Northwest Regional Lab --

MS. WALTER: Oh, okay.

MS. BUTTERFIELD: -- for a number of years.

MS. WALTER: Okay.

MS. BUTTERFIELD: I also served as a technical assistance provider for Indian education grants back in the day when we had those. I've also worked at the Department of Ed and provide technical assistance across a state around Title I, Title IV, drug-free schools, and Indian education. So the whole realm of technical assistance has always been -- and equity. I was the diversity person in Oregon for 10 years, so what I have observed is that Indian communities because they're small always get left out of the mix in terms of access to thing other than the time when we had the Indian Technical Assistance Centers, which largely were set up to help provide support for Title VII grantees.

So when I look at all your content, focuses, every one of them could be given an assignment to tailor some of their resources to meet the unique needs of public schools and BIE schools that are serving Native children, the needs of high school students in --

MS. WALTER: Right.

MS. BUTTERFIELD: -- Indian communities is tremendous. I just finished a joint project between NEA and NIEA on best practices for Native high school students, but it's the kind of thing that doesn't really represent broadly enough all of the needs of Indian Country. Things like assessments, teacher quality, all of those kinds of issues. It would be nice to see some kind of resources that would be available that would be tailored to the needs of Indian kids.

I just came back from California where the civil rights offices were providing technical assistance to Indian Country --

MS. WALTER: Right.

MS. BUTTERFIELD: -- by organizing a specific conference, so there's always a need in Indian Country, and our need is so great, but we often are ignored because our numbers are small. So unless there is a targeted initiative that attends to that, we don't get served. So I like understanding the variety, but it seems like there almost needs to be a recommendation to have requirements that these centers attend to the unique needs of Indian schools and communities.

MS. WALTER: And given the nature of this presentation that it was going to be broad and not deep, I didn't mention some of the specific work that is getting done in, say, the Mid-Continent Center, the North Central Center, the Southwest Centers, the Alaska Center. There is some very specific work going on, but I think your point -- I hear what you're saying. I do think that it often comes down to that balance between, "Well, isn't this about all kids?" And if it is, should we go down this road or are there unique needs in teasing out what the really unique needs are in those bigger issues and then what kind of resources does it take to do that.

MS. BUTTERFIELD: Right. Because when it was left up to states, the only time I think that we ever got any real play from states was when CCSO in the very beginning of No Child Left Behind became concerned because the superintendents at those state levels were starting to realize that the populations of Native students were cropping up, no surprise, as having some very poor achievement data.

MS. WALTER: Uh-huh.

MS. BUTTERFIELD: So even our states don't pay attention to us enough. Mr. Chair.

MR. ACEVEDO: Theresa -- Virginia.

MS. THOMAS: Good presentation. I just had a question. You were talking earlier about the comprehensive centers, that you were trying to figure out how best to use the funding and how it was going to be deployed again, and I'm old hat at this too because I was at the original and in Alaska --

MS. WALTER: Oh.

MS. THOMAS: -- that we had three years ago, but how are you either what group or is it just your staff or how are you discerning the best way to use this? And how was it going to be finally detailed out that this is the way you're going to do it? Because you don't have an oversight, you don't have -- or it Jenelle?

(Laughter)

MS. WALTER: No, it's not Jenelle.

(Laughter)

MS. THOMAS: Because we --

MS. WALTER: She does a lot of (inaudible) --

MS. THOMAS: -- can take her.

MS. WALTER: -- but not that much though.

(Laughter)

Actually, in our statute, which is the Educational Technical Assistance Act, there's a requirement that we convene 10 regional advisory committees, and those are in the process of being put together right now, so we put out a Federal Register notice asking people to nominate or be nominated. Those were vetted through the White House liaison office, and those committees are being assembled now. They'll probably have their first meeting at the end of May, and their charge -- and again, this is in our statute -- their charge is to come back to the Secretary with 10 reports on what are the educational needs of the region and in what way could those needs best be served.

So it's not a question that as specific as, "What should the comp centers look like?" But it's really intended to give the Secretary a bigger chunk of information because it could be that those would get addressed outside the comp centers as well and some other venue.

But that's the core, that's really what we will go with. But then as I said, we really are intending -- in fact another thing we're putting together is a public meeting here in D.C. for people to come and make comment in some way the way you're going to do about what they think the comp centers should do. There will also be a portal on our Web site at ed.gov that will allow people to make comments and make suggestions.

So it's a grant program, and so in many grant programs, as you well know, Congress sets it going, and then the Department has the job of saying what are the specifics of this program going to look like. And so it's a combination of that where the leadership at the Department, the political leadership, will really have a lot to say about how it gets shaped, but it should -- it should and will be really driven by a lot of this needs sensing that the advisory committees do, and it's a mix.

MS. THOMAS: Okay. Let --

MR. ACEVEDO: Excuse me. Theresa had one. Sorry.

MS. JOHN: Thank you. In rural Alaska, technical assistance is the critical aspect of the students out there. And my question was how do you disseminate to follow-up, does it go through the DOE and then out to the district sites? And in rural Alaska, I would not be surprised if 5 percent of connectivity exists in the rural homes right now and maybe five computers to all the 200 students in the school. The situation is bad. And my concern is has there been studies going on to ensure that their students who are already faced with other issues like NCLB are properly -- given proper tools to be up in par with the national standards?

MS. WALTER: I think your question had two main parts that I picked up, and I'd like to answer both of them. I don't know the answer to your second question, "Who's minding the store when it comes to making sure rural students have adequate tools?" I know that there are, of course, many programs at the Department that try to get to that. That's not something the comp centers specifically are involved in.

But in terms of your first question about how does it get there, how does it get disseminated, that's a really good question, and I can tell you what it's been -- what the plan has been since 2005 when these current comp centers were created.

The decision was made in 2005 that the comp center would really work with the state education agency. In prior iterations of the comp centers, again, as you might all know, there was a lot more freedom about who the comp centers work with. They could work with a school district or two school districts or three or five, and the economy of scale on this was wrong, and the impact was very minimal. If you were a school district that the comp center worked with, that was good for you. But if there were 4,000 other school districts in that region and they weren't working with you, then you weren't getting any benefit.

So whether we agree with that decision or not, the decision was made that the greatest impact for the Alaska center, for instance, is that they would work with EEDs, and they would say to the commissioner in Alaska, "We're here. We have about \$1 million a year. What we need to do is work with you on the highest impact issues in your state in terms of education so that we can help you do a better job with this really tremendously difficult task."

So a lot of the work if you went to the Alaska comp center, you'd see that they spent a lot of time with the people at the state education agency developing training, developing to some degree materials processes, and getting the state to come up with a plan to roll those out to districts. So that, again, good or bad, that's the way they were charged with doing that this time around. And that's another one of the decision points that gets made as the design of the program gets put together for every time we compete.

MR. ACEVEDO: Jenelle, you had a comment.

MS. LEONARD: Yes. I'm going to ask Fran to specifically speak to the timeline because for you it's very important that if you're not participating in the 10 RAC (ph) meeting that Fran spoke of, which would more than likely happen -- when are we saying, in June?

MS. WALTER: They'll start at the end of May. The first meeting will be at the end of May, and they'll go through June.

MS. LEONARD: Right. So if you're not participating in one of those and you're not participating in the public meeting that going to happen close to the second or third week in May, you need to get your recommendation in to the Secretary.

So if you look at the timeline, we're talking the month of May, certainly no later than early June. And because you're charged with making recommendations to the Secretary, certainly I think that this is an area that you want to make some recommendations to the Secretary on. Okay.

Technical assistance was one of the top areas that came out in the title consultation meeting, and when Charlie Rose hosted this morning as well Don Yu, some of these others -- we are trying to

address that. And one of the ways that we're trying to address it will be through the recompute of the Technical Assistance centers. So we need your recommendations.

MS. THOMAS: This is Virginia. Just for clarification. Are you saying that you want to see a request come out of this, a motion coming out of this from (inaudible) just or --

MS. LEONARD: We --

MS. THOMAS: Did you --

MR. ACEVEDO: I think we initiate that.

(Laughter)

MS. LEONARD: Yes. Thank you.

(Laughter)

MS. LEONARD: Thank you. Thank you. We expect to see recommendations coming from you this --

MR. ACEVEDO: Robin --

MS. LEONARD: -- (inaudible) on technical assistance.

MR. ACEVEDO: Okay.

MS. BUTTERFIELD: Well, I would like to recommend that the Department identify the specific ways in which technical assistance is being targeted to meet the needs of Native students currently. I think you said there are some things going on. We don't know what that is.

And then secondly, once we know that, I think that gives us better background to ask you to explore ways to increase those services and resources across the centers and the -- well, the variety of centers that you mentioned, the labs, the comprehensive centers, and the equity centers. I just want to know what share of the pie are we getting, first of all, if at all.

So that would be my recommendation --

MR. ACEVEDO: It's a recommendation. Do I have --

MS. BUTTERFIELD: Uh-huh.

MR. ACEVEDO: -- a second that recommendation?

MS. OATMAN-WAKWAK: I second.

MR. ACEVEDO: Second it by Mary Jane. Further discussion?

(Pause)

MS. THOMAS: I do. Just another --

MR. ACEVEDO: Virginia.

MS. THOMAS: -- another clarification here. Since we're going to have this on there and you say you're going to have this advisory group that'll be end of May?

MS. WALTER: Uh-huh.

MS. THOMAS: Are there going to be --

MS. WALTER: Yes.

MS. THOMAS: -- I worry about how they're going to be select -- not who's going to be on it, but is the representation that is understanding of our needs is going to be on there?

MS. WALTER: Jenelle and I actually reviewed the list. And again, let me remind you how these people came to be. There was a Federal Register notice; people were asked to either nominate themselves or nominate someone. The charge that the people -- we didn't put the list together, but their charge is partly in the statute. There have to be a certain number of teachers, principals; only one state education agency per committee. It's kind of six of one, half dozen of the other. It's got a formula.

But then the overlay of that because of the priorities, again, of the Administration was to make sure that there was Native American representation, to make sure there was rural representation, to make sure that there was representation from different levels of service that we provide. And so, I don't have the number off the top of my head, but I would say that we came up with -- we identified probably one, at least one, Native American representative on each committee with the exception of maybe two committees. And again, they're regionally based, so we had to go with that. I was glad I didn't have that job because there was quite a bit of mixing and matching that had to go on to make sure that they were balanced.

MS. THOMAS: That's good enough.

MS. WALTER: You're welcome.

MR. ACEVEDO: Further discussion?

(Pause)

MR. ACEVEDO: There being none, call for the question. All those in favor of the recommended motion signify by saying aye.

COUNCIL MEMBERS: Aye.

MR. ACEVEDO: Those opposed, same sign.

(Pause)

MR. ACEVEDO: There being none, the motion is carried. Thank you. Fran, thank you very much.

MS. THOMAS: You're welcome. Thank you.

(Pause)

MR. ACEVEDO: We are well past our appointed hour. If we'd like to proceed with -- we haven't heard from Lana.

(Pause)

MS. LEONARD: (off mic) We can move Lana to tomorrow because we want to have an hour and a half -- we have an hour and a half --

(Pause)

(on mic) Oh, I'm so sorry. I tried. What was I thinking, maybe it's the lateness of the day. But Lana is going to be with us, and so -- she's Indian Ed staff, so she's going to be here.

So tomorrow, we have the public meeting from 1:00 to 2:30; and generally, we don't have a lot of public speakers, and so we may be able to etch out some time in that portion. Then from 2:30 -- I think there's two -- tomorrow is your work day, and so somewhere in those hours, you can slot Lana in. She's so accommodating and -- yes --

(Laughter)

-- so we can always take care of Lana tomorrow.

MR. ACEVEDO: All right. Super.

MS. LEONARD: Okay.

MR. ACEVEDO: I think given the lateness hour and so much that everybody's heard today -- plus we're about to give you a couple of more pieces of information that you need to go over. Just when you thought you were off the hook, we have our report. Do we have those ready to -- yes -- that you'll have to look over tonight because we're going to vote on that and approve it tomorrow as well. And then the other housekeeping item we have to take care of will be the approval by the full Council of the subcommittees and the chairs and members of those subcommittees are well.

And then of course, we have Secretary Duncan coming in in the morning, and then we have the Associate Commissioner coming in the morning, so we're going to be busy again.

(Pause)

MS. LEONARD: Just because.

MR. ACEVEDO: Oh, and Michael too. We have Michael -- sorry, Michael. You're --

MR. YUDIN: Okay --

MR. ACEVEDO: -- we'll stay for Michael.

MR. YUDIN: I'm at your disposal.

MR. ACEVEDO: Yes.

(Laughter)

MR. ACEVEDO: Robin.

MS. BUTTERFIELD: Because I won't be here tomorrow and because I have been approached by a number of people that are really concerned about a teacher training requirement that's currently in the statute and we didn't get to ESEA reauthorization either, I'd like us to take a serious look at the payback requirement for the training of Native personnel either administrators or teachers, and I'd be willing to write up some of the reasons behind this.

But what I'm hearing is that given in places where there are teacher shortages the requirement to have our young Native people who are trying to become teachers have to pay back money for their training doesn't seem to serve our needs well. I have instances in Oregon where it's not possible for some of the graduates to move to communities to do the payback. It's also causing some students not to enroll in our programs because they're fearful of that requirement and the weight of having to have that on their shoulders.

Thirdly, there's a need for Native teachers everywhere, not just in reservation communities in public schools. So I'd like us to really take a look at that and think about the implications that have been created with that requirement in the law, so that's -- I'm not making a formal recommendation yet, but I want us to really think about that.

MR. ACEVEDO: Thank you for that expression. With the concurrence of the Council, we'll recess for the evening and convene tomorrow morning at 8 o'clock informal session. All right.

MALE SPEAKER: (off mic) We're going to hear from Michael as well tomorrow?

MR. ACEVEDO: Pardon? We're going to hear from Michael tomorrow as well. Unless, Michael, you really, really --

MR. YUDIN: I'm at your disposal.

MR. ACEVEDO: It's --

(Laughter)

MR. YUDIN: If Council wishes to (inaudible).

MR. ACEVEDO: You want to hear? It's open.

MR. MCCRACKEN: I just had a couple of comments. As you know, my role on this committee is really around the physical fitness of our students. And as I sat through the day waiting anxiously to hear one of those programs call out the physical well-being of our students, I didn't see it.

And so I would just like some reassurance from the Department of Education that they understand that the importance of the whole child versus the child -- and I saw lot of great programs up there, and I'm really excited about the future generation and how we're going to connect back, but as I mentioned in our first meeting and I will continue to mention, that's why I believe our community and our tribal leaders nominated me to be in this position.

So I would like to -- if we can just help clarify I think that'll help tomorrow as we move forward because we know Secretary Duncan, a former athlete, and what sports has done for him in his life, and I would love to know that is a priority for the Department of Education to at least have physical fitness as part of our students' life. So I'll just leave it to the Council.

(Pause)

MR. ACEVEDO: Any other comment? Let's open it up for (inaudible).

(Pause)

MR. YUDIN: I can respond to briefly and prepare something more for you for tomorrow. I just want to note a couple of things in response to your comment.

First, we have proposed a new program which is an attempt to consolidate a number of programs. We've done that in a number of areas. We have proposed to make it easier for school districts to identify what their needs are instead of being required to apply for 20 or 30 different programs; particularly for smaller districts, that becomes impossible. So one of the things that we've done is attempt to consolidate similar like or similar type programs, and then the districts will have flexibility to figure out how they want to do that.

One of those programs is effective teaching learning to ensure well-rounded education. So we have so much focus on the -- there's a focus on literacy, and there's a focus on STEM, and so much of the criticism of No Child Left Behind was the narrowing of the curriculum.

One of the proposals is to actually provide resources and grants to states and districts and nonprofit organizations to improve access to a well-rounded education, and that gets to these other important subjects like the arts and phys ed and financial literacy and geography and history and all of the other things, components that make a well-rounded education. But it is not specifically focused on phys ed, but what I could do is go back and check on our Safe and Drug-Free Schools, our Healthy, Safe, and Healthy Students proposals and come back to you with more specific information about what that would do.

MR. MCCRACKEN: Thank you. At least that's part of the conversation and which I didn't see that today. I didn't see it as part of our conversation, so thank you for that one.

MR. ACEVEDO: Thank you. One last chance for any comments before we recess for the evening.

MS. THOMAS: I just wanted to make a note. Jenelle, I want to thank you because you did listen to us, and it was a long day, and I promised desserts and everything for behaving --

(Laughter)

-- but this was extremely well received, and I really enjoyed the presentations. There were some great ones up there that really enlighten us and I think enlighten the whole Council to -- I was unaware of some things, and it was really good. I thank you for that, Jenelle.

MS. LEONARD: You're welcome.

MR. ACEVEDO: I agree, and thank you, Jenelle. And the fact that we've already got some recommendations on the table, I'm sure Alan appreciates that.

(Laughter)

MR. ACEVEDO: Thank you. We'll recess for the day. Thank you.

(Whereupon, Department of Education, National Advisory Council on Indian Education Public Meeting was recessed.)

NACIE PUBLIC MEETING SESSION III, DAY II

MR. ACEVEDO: I am going to call the meeting to order of the National Advisory Council on Indian Education. We had established a quorum yesterday, and we recessed, so that has been noted for the record and established. We would like to open up this morning again with a prayer. If Robert would be so kind to do our opening prayer.

[Prayer]

MR. ACEVEDO: Before the Secretary arrives, I have a couple of things I want to mention to all of you. Andy with Kauffman & Associates will be available to work with the committee as we draft the subcommittee the report to the Secretary. I think we have the e-mail and the numbers for Andy, or he can get them to us. So that's a resource that we can rely upon. I'd also like to mention that Kauffman & Associates will also be able to ship back the documents that you have in front of you, so you don't have to carry them back on the airplanes with you as you make your trips back home. So that's a service that's available.

If you look at the agenda this morning, at 10 a.m., we have scheduled the report from our subcommittees. Before we start that, since we deferred with having Lana Shaughnessy's presentation, we're going to introduce her just before that session, so that will be pushed back a little bit depending on how long the Secretary talks and the associate commissioner speak to us, so that we are accommodating Lana.

What else do I have for you? Some of the folks asked about whether or not we could get a picture with the Secretary when he's here. I don't know if he's bringing a photographer or not.

Are you aware?

MS. LEONARD: I'm not aware that he is, but one generally travels with him. If not, we'll just have to use our own handy little cameras.

MR. ACEVEDO: I also understand Greg's going to do a presentation to the Department?

MR. ANDERSON: I don't believe it's arrived, so we may not do that.

MS. LEONARD: But you do have a letter that you would like to present as well?

MR. ANDERSON: Yes.

MR. ACEVEDO: Are there any other items we want to sort of address that I haven't covered before the Secretary gets here? It's open to the floor.

MS. THOMAS: Mr. Chair, did you put on the agenda about the special subject matter? Yes, expert, that's it.

MR. ACEVEDO: Yes, I've got that. We're going to talk about that at the start of the -- or maybe we can do that right now. There has been a need, a request for a subject matter expert to assist in the vetting of the director's position, and that person will be Virginia Thomas with the concurrence of the Council.

Hearing no objections, then that will be so.

One other change we go through the report from the -- as we set up the subcommittees, I believe that Stacy and Theresa have reached an agreement whereby Theresa will have her name submitted as the chair of that subcommittee. Agreed? Okay. Thank you.

MS. LEONARD: Mr. Chair, one other thing, we had talked about May 18th.

MR. ACEVEDO: Yes, as we talked about yesterday, the conference call scheduled for May 18th, I would like to get -- go around the table -- your availability for a call at that time.

Alan?

DR. RAY: I'll be able to attend the last hour of that meeting. I have a preceding engagement for the first part of it.

MR. ACEVEDO: Theresa, May 18th availability for teleconference?

DR. JOHN: Yes, I'm available.

MR. ACEVEDO: Virginia, availability for a teleconference on the 18th?

MS. THOMAS: Yes.

MR. ACEVEDO: Stacy?

MR. PHELPS: I am, yes.

MR. ACEVEDO: Sam?

MR. MCCracken: Tentative. That is the closing of the Affiliated Tribes of the Northwest Indians, so just depending on time, location. And the reason for it is the planning of NCAI in Portland. The Affiliated Tribes of Northwest Indians are basically the planning committee for that conference, so I just wanted to make that public.

MR. ACEVEDO: Mary Jane?

MS. OATMAN-WAK WAK: Yes.

MR. ACEVEDO: Greg?

MR. ANDERSON: Yes.

MR. ACEVEDO: Deborah?

DR. JACKSON-DENNISON: Yes.

MR. ACEVEDO: Alyce?

MS. SPOTTED BEAR: Yes.

MR. COOK: The delegate from the great Sioux nation says no.

[Laughter.]

MR. COOK: I can't. I have graduation that day.

MR. ACEVEDO: If we all appear, we'll have a quorum. That'll be eight for sure. We'll have a lock on that, so thank you.

Jenelle, would you, or through Kauffman & Associates, be able to send out a notice to everyone? We do have this group, but for the other members who are not here of the Council –

MS. LEONARD: Yes.

MR. ACEVEDO: so that if they're available, they could --

MS. LEONARD: we will. As well, we'll publish the Federal Register notice, and then we'll send it to you as well. Okay.

MR. ACEVEDO: I believe we have one other housekeeping item. You were given yesterday afternoon the draft of the inaugural meeting on November 3rd and 4th. I understand there are some changes that need to be made to that. People have looked at there were remarks attributed to certain people that other people said, and so those need to be corrected. So we will not be able to get a final council approval on that today. All right?

Jenelle, I have copies in front of me of the closed meeting report. Is that appropriate if I pass those out for the Council to act on?

MS. LEONARD: Yes.

MR. ACEVEDO: Thank you.

MR. MCCRACKEN: Question, Mr. Chairman.

MR. ACEVEDO: Yes?

MR. MCCRACKEN: When would we be able to find out dates of our next face-to-face meeting and location? Just for planning purposes.

MS. LEONARD: That will be determined by you, by the Council. Right. So according to the charter, there are two face-to-face meetings. One typically occurs in the fall and one in the spring. So that would be something that I would suggest you add to your agenda that you may want to discuss or identify a month or some time periods in which you would like to hold that meeting.

MR. ACEVEDO: We'll take action on Sam's request and on the closed meeting report. I understand the Secretary is here now.

Good morning. I'm pleased to be able to introduce to all of you today Secretary Duncan. Secretary Duncan was confirmed by the Senate in his position on January 20th, 2009. In his opening remarks, Secretary Duncan stressed to the committee the following: "Preparing young people for success in life is not just a moral obligation of society but also an economic imperative." We that come from Indian Country understand that economic imperative very, very well.

Mr. Duncan served as the chief executive officer for the Chicago Public Schools from 2001 through 2008 prior to being nominated and confirmed as the Secretary of Education. A notable accomplishment for the Secretary, during his tenure as the CEO, an all-time high of 66.7 percent of the district's elementary school students met or exceeded state reading standards. In addition, their math scores also reached a record high with 70.6 percent meeting or exceeding state standards, a wonderful accomplishment by the Secretary and his people.

With that, Secretary, would you please come forward? Thank you.

[Applause.]

SECRETARY DUNCAN: The podium feels too formal for this group. I'd rather just sit and talk.

I just want to thank all of you for your service, and you guys are here because you feel the same sense of urgency that I feel, that we have to do so much better for our children throughout the country. When I look at the educational outcomes for our Native American young people, we're not anywhere close to where we should be, and we can't accept the status quo. I encourage you to push us very, very hard.

I think the federal government historically hasn't listened nearly as closely as we should have. Hopefully, you've seen that we're trying to do a huge number of tribal consultations. We're trying to continue to travel throughout the country to do listening and learning tours. Your recommendations, I will take very, very seriously.

I'm just convinced that I don't care how tough a community or how tough the situations or how tough the family situation, if we give our young people a great early childhood education, we give them a great elementary, middle and high school experience, if we put them in a high school with high expectations, I'm actually wildly optimistic about what that young person is going to accomplish. But if we don't give them those kinds of opportunities, we perpetuate poverty. We perpetuate social failure. We don't let families break the cycles that are challenging them. So I just think education is the answer. And your recommendations should be bold. They should push us hard. I'm not interested in incremental changes, getting better around the edges. I'm looking at exponential changes, in getting better faster than we ever have.

Resources are tough, as you guys know, at every level. So this is not a time there's a huge amount of new resources coming in, but working smarter, thinking about things in a very different way, finding ways to get the hardest working, the most committed teachers to the communities who need the most help, finding ways to make the dream of going to college the norm rather than the exception. As you guys know, a high school diploma, there aren't too many good jobs out there with just a high school diploma today. There are basically no good jobs if you drop out of high school.

So I just can't tell you how much I appreciate the hard work. I look forward to the recommendations, and I think you guys have heard me enough to say often enough that I'm absolutely holding myself accountable in this area. And if we don't do much better for our Native children, then I think I would have personally failed. And we have to get better outcomes. We have to give them opportunities.

It's never the children's fault. It's always us as adults. And if we give children, again regardless of background, the opportunities, they're going to rise to the occasion. When we don't give those kinds of opportunities, we're part of the problem. And I think for far too long, we have frankly been part of the problem, and that has to change.

So I just appreciate your collective leadership, appreciate the collective passion. As you know, we're looking for a new head of our directorate of Indian education. Applications close in the next couple weeks, and so if you guys have extraordinary candidates I think May 2nd is the closing date. If you haven't given us recommendations, that person is key to building our team, and we look forward to hiring just a world-class talent there. But if you have any thoughts that you haven't shared with us,

please get to us quickly in the next couple weeks, and that person will help drive our team and help lead me where we need to go.

So thanks. I know you have a meeting ahead of you. I don't want to take too long, but thanks for your hard work. I wish you the best, and I want to let you know how much I appreciate your commitment.

If you have a couple questions, I'll take them real quick, and let you get to work.

Yes, sir?

MR. MCCRACKEN: Mr. Duncan, how are you? My name is Sam McCracken. I work out at Nike in Seven Programs for Native Youth. But my question is, what are your thoughts around public-private partnerships, and how crucial do you think in the spirit of we're not having much to work with from a budget standpoint? I'd be curious to get your thoughts on that.

SECRETARY DUNCAN: I'm a huge believer in collaboration in any time, but particularly in scarce budget times, more than ever, so absolutely. I'll just give you a couple of examples. We did the Invest in Innovation fund where we put up \$650 million. We asked for a 20 percent private match, and they came up with \$120 million. I've never seen those kinds of partnerships at the federal level before. So that absolutely is the wave of the future.

We all have to work together. Everybody is struggling, and if we all try to do it in our little silos, we'll never get where we need to go. So whatever we can do to encourage those kinds of partnerships.

It was interesting. Historically, those partnerships are easier in urban communities. There wasn't enough sort of philanthropic and corporate support in rural and remote areas. We're actually helping to create a marketplace there and helping to drive some of that behavior. So whatever we can do to try to encourage those kinds of behaviors, we want to do that.

I'm going to New York tonight to meet with a number of CEOs and really challenge them to be part of the solution, challenge them to step up. So we can't get where we need to go just by ourselves. So huge proponent, whatever I can do to help in those areas, build relationships or shine a spotlight where folks are stepping up, I want to do that.

MR. MCCRACKEN: Just so you know, Nike is totally committed 100 percent to the health and wellbeing of Native youth throughout the U.S., so I just wanted to make you aware of that.

SECRETARY DUNCAN: I appreciate that, and if there are ways again I can shine a spotlight on what's working and it's good. In the philanthropic sector, folks are often a little bit competitive. If they see certain folks doing well, if we shine a spotlight, other folks, okay, I need to follow. So shoot me those examples, shoot me where Nike is doing some interesting things, and we'd love to shine a spotlight there.

Yes, ma'am?

MS. THOMAS: Good morning. I'm Virginia Thomas with the Muskogee Nation. And I just want to thank you for giving us the opportunity to re-advertise for the director's position. I know that it's very important that we have that person in there, but I think that once you see us working together, that you will see that we will find that right person and get that person in there. And we just want to thank you for that opportunity to allow us to take that responsibility to assist you.

SECRETARY DUNCAN: I've been so fortunate. I'd never built a national team before, and I didn't know how that was going to work. And the level of talent that's come here has just stunned me, and the sacrifices people are making personally, financially, family-wise to be part of this movement has been amazing. And the only reason we've had the success we've had is not because of anything I'm doing. It's because the team we're building that is driving this thing in a pretty remarkable way. And so getting that right fit and having someone who can be tough and strong and push me really hard, I desperately need that. And so, again, your guys' advice, your guys' help in helping us build our team, that's hugely important, so thanks.

MR. COOK: Secretary, I know that early on you visited the Northern Cheyenne Reservation. Do you see another visit to Indian Country on your itinerary coming up? And we definitely have some huge issues, not just in our tribal schools but also in our public schools that serve Native students. I know in South Dakota, we have less than 30 percent graduation rate for American Indian males and 29 percent for females and dropout rate. And the school to prison pipeline is horrific.

So I'd really like to encourage you to come out and see some of these other schools, too.

SECRETARY DUNCAN: Yeah, I visited a number of schools where there's a very significant number of Native students in them, and as you know, the vast majority of our students aren't on the schools on the reservations; they're in the traditional public schools. I don't have another trip scheduled yet to a tribal community but hope to do that as the new school year starts. And, again, those visits impact me in ways it's hard for me to even articulate; very profound.

So I look forward to doing that. I don't have anything scheduled yet, but as we get into the next school year, I promise you I will. And just in the course of my normal business, many of the schools I visit on an ongoing basis have a disproportionate number of Native students in them. And the challenges you talk about unfortunately aren't unique to your community. Those are challenges I see across the country.

MR. COOK: We have an upgrade at Rapid City Regional Airport, by the way, too.

SECRETARY DUNCAN: Got it.

[Laughter.]

SECRETARY DUNCAN: And I've been to, I think, 43 or 44 states. I have not been to South Dakota, so I owe you.

Yes, ma'am?

DR. JACKSON-DENNISON: Secretary Duncan, Deborah Dennison from the Navajo Nation. I thank you as well on behalf of our people for taking that special interest in our issues in Indian Country and making the trips out to our areas. And I continue to strive that we are the lowest on the I wanted to make that point that we really do need the help, and I thank you very much for the special interest that you've given us in Indian Country and encourage you to keep on paying attention to our needs. And I believe strongly that a lot of what we have in Indian Country are the answers to the rest of the world, so I thank you for that.

SECRETARY DUNCAN: So, again, I can't stress, push us really hard, push us really hard in your recommendations. That's what is going to make us better. It's going to make us smarter, and don't be shy as you guys continue to work together.

Yes, sir?

MR. ANDERSON: Secretary Duncan, my name is Greg Anderson. I, too, am with the Muscogee Creek Nation. I have a letter and a presentation to the Department.

"Dear Mr. Duncan, on behalf of the Muscogee Creek Nation, I am honored to acknowledge your position as Secretary and your efforts in working with the National Advisory Council on Indian Education. The Muskogee Creek Nation is proud to have two members of our nation as part of the advisory council and know that with the efforts of the entire National Advisory Council on Indian Education will remain a priority. Sincerely, A.D. Ellis, principal chief, Muscogee Creek Nation."

And I would like to give the Department of Education a gift.

SECRETARY DUNCAN: Oh, wow.

[Presentation of gift.]

DR. RAY: Thank you.

Mr. Secretary. My name is Alan Ray from the Cherokee Nation, and I would like to thank you for your support of Indian affairs all over this country and their education. I'd particularly like to add I'm from Elmhurst College in Illinois, outside of Chicago. And I'd like to convey the message from the American Indian Center that we not lose sight of urban Indians. They're a sizeable portion of Native Americans in this country, of course, and their concerns are certainly very strongly felt in Chicago. And I'm happy to bring that message to you today and to thank you from the Cherokee Nation, of course, for your support of us and our pride in working with your administration. Thank you.

SECRETARY DUNCAN: Coming from Chicago, I spent a decent amount of time working with urban Native Americans, and I think I got a pretty good sense of that challenge. And the numbers in Chicago weren't as great as other places, but they were significant. And the issues are real, and I just look forward to that continued partnership. Thank you.

MR. PHELPS: Mr. Secretary, we'd like to encourage you to continue to work through avenues like the BIE and the partnerships you're forming there with Director Moore. And we'd encourage you to consider expanding the Race to the Top to include BIE as well as tribal grant schools as districts, and that could be a significant help in Indian Country.

Also, thank you for the staff that you've given us to work with. Charlie Rose, Don Yu, Michael have been just committed to Indian Country, and also especially Jenelle for all the work she's done with this committee. And I'd like to thank you for and recognize your staff.

SECRETARY DUNCAN: They're doing all the hard work, not me. I've got the easy job. And I would say this work has impacted our team personally in extraordinarily profound ways. And this is not in a lot of folks' job descriptions, but they have a heart and a passion for this. And so that's the caliber of folks we've tried to bring in. So I'm pleased to hear that and appreciate the hard work, but, frankly, I'm not surprised. These are folks that are in here for all the right reasons and want to get better.

Keith Moore, I think is doing a great, great job. We want to do everything we can to partner and to help him be successful, working on things like common core standards we're working on together. He's provided a lot of leadership there. That was a little controversial. I think that's totally the right thing to do for our young people. And so Keith is someone I have a lot of respect for. Whatever we can do to help him be successful, we're there. He's a good man.

MR. OATMAN-WAK WAK: Good morning, Mary Jane Oatman-Wak Wak, a member of the Nez Perce tribe of Idaho. You had mentioned earlier about the spirit of collaborations. We really have been digging deep for some really challenging recommendations, and we'll continue that work this afternoon.

As far as messaging, just knowing that we have different gaps in systems, I would like to see from the administration more work to elevate the needs of Native children. Within the Chief Council of State School Officers, in the past they've had initiatives specifically around Native American student achievement, and it's kind of cyclical in nature depending on the state suits that have those populations in their state. I know that Denise Juneau with Montana is doing an excellent job at elevating the issues there. I also wear another hat with the National Indian Education Association as well, and our organization stands ready and committed to assisting the Department of Education and those other groups out there with elevating our priorities.

SECRETARY DUNCAN: Yes. So again, just give me specifically what I can do. Denise has been great to work with. She has been an absolute advocate. Gene Wilhoit, who runs that group, is a great, great friend. And so if there's something that I need to address sort of across the board or if there's specific states that you think need to step up, if you can again give me recommendations from that.

MS. OATMAN-WAK WAK: Specifically, on those recommendations, when we look at strengthening language through reauthorization of ESEA, but we have some states that are doing amazing things with their Native populations, especially when they actually carve out and create a priority within a state department of education for working on closing the achievement gap between Native students and their peers.

SECRETARY DUNCAN: So the more you can show me which states are doing this really well, and, again, obviously, the converse, which ones aren't, and then I can play both sides of that. I can really pump up the ones that are doing a great job and those that aren't there. And I spend a ton of time with that set of folks. Actually, Keith Moore is starting to come to those meetings, which has been great. So, yes, if you can give me these five states are knocking it out, these five states are way behind, I'll take that and run with it.

MS. SPOTTED BEAR: My name is Alyce Spotted Bear, and I'm from the Mandan Hidatsa and Arikara Nation in North Dakota, from the Fort Berthold Indian Reservation. And I want to thank you for being here with us today and thank you for your staff.

I would also like to implore you, on behalf of the tribal colleges and universities, to help them continue with the funding level that they have, and some are need of higher levels of funding because of the increased responsibilities that they are taking on today. They help pick up the slack for the students who drop out of high school. Many of them come later to the colleges through our adult education programs and then right on into our college programs. So I would like to encourage you to keep up the funding for tribal colleges and universities.

Then the other thing that we have a great concern about is our Native languages. Many of them are endangered, and we are concerned about the perpetuation of our cultures. And we need the languages and cultures taught in the schools as well as at home. So, anyway, those are my concerns, and, again, I would like to thank you for being here today.

SECRETARY DUNCAN: So, on the language and culture piece that is desperately important. I've heard that everywhere I've gone. We've been sort of getting a lot into ESEA reauthorization. That's something that we're going to push very, very hard and put resources behind, and I know how critically important that is.

On the support for tribal colleges, we'll continue in tight budget times to maintain funding. I haven't spoken at a tribal college commencement yet. I'm actually going to come to North Dakota in the next month or two to do that and spend time in the community. So that's again part of my education process. But whatever we can do to support, including doing more of these commencements, I'm going to do that.

MS. SPOTTED BEAR: Okay. One of the sources that we have for documenting our endangered languages is the National Science Foundation's DEL Program, and we would hope that that would be able to continue. So thank you.

DR. JOHN: Mr. Secretary, thank you for being here this morning. And I represent the Alaskan indigenous cultures, specifically Inuit. And one of the concerns and issues that we are pushing for are culturally responsive standards to better serve the needs of our students, and that applies to indigenous scholarship in that material, development as well as in increasing our certified Native teachers in place. And I hope that you consider funding so that we best provide the students' needs in rural Alaska as well as across the nation.

SECRETARY DUNCAN: So two sides, one I can help on, one I can do less help. So on the curriculum side, we're actually prohibited from doing curriculum. So that's not one where we can invest directly.

On building the pipeline of teacher talent in indigenous communities, in rural communities, in remote communities, that's something I'm absolutely committed to. We want to fund a series of sort of teacher pipelines and alternative certification programs. Everywhere I travel in indigenous and rural and remote communities, I hear about the teacher turnover. Teachers stay for a year or two, build their résumés and move on. If you had people from the community, they're rooted in the community, they're there for the long haul, they want to stay.

So as we move forward and there's obviously tough budget times with Congress, but we're going to push them very hard for increased funding for what I call alternative certification routes. And I call them grow your own programs. And I saw it in Chicago; we did a lot of work here. And I think it's a piece of the answer in Indian Country, in rural communities and in remote communities, and it's something that we're going to look to fund at a pretty significant level.

MR. ACEVEDO: Mr. Secretary, if you could indulge us for a minute before you leave, we'd like a group picture with you if that's possible.

SECRETARY DUNCAN: Absolutely.

MR. ACEVEDO: Thank you so much.

SECRETARY DUNCAN: Thanks for the hard work, guys. Really appreciate it.

(Whereupon, a recess was taken.)

MR. ACEVEDO: Members of the Council, Kim Teehee is here. She is the senior policy advisor for Native American Affairs for the administration and the White House. Kim is a citizen of the Cherokee Nation and is a graduate of Northeastern State University. She graduated cum laude with a bachelor's degree in political science. I like political science majors, being one myself and a juris doctor from the University of Iowa. And she was awarded a Bureau of National Affairs award.

With that, Kim.

[Applause.]

MS. TEE HEE: Thank you, guys. I will just be brief. I'm very delighted to be here, and certainly, Department of Education and Department of Interior and the White House certainly think you're doing important work. We are completely committed to NACIE and your mission, and we know that you have already met for a full day and you've already come up with some recommendations. And, clearly, Secretary Duncan being here has just emphasized the importance that this board and its recommendations and the impact it will have on us, and we want to hear more from you and from your vast experiences and what you can bring to the table.

I got the tail end of some of the Q&A from Secretary Duncan's session just a second ago, and certainly, we are very committed to enhancing and improving our language immersion and restoration programs. It's something that Indian Country continues to tell us about, and it's something that is of complete importance to them and the communities. And it's also consistent with the President's commitment to winning the future, making sure that our youths are deeply embedded in education. And obviously, that also includes attending to the unique needs of Indian Country as well.

Many of you probably know that we already have the language immersion programs at ANA, Esther Martinez funding, and many tribes across the country have taken various approaches to their language immersion and restoration programs. And certainly, I think it's worth highlighting those. I like to receive best practices, sort of what the different tribes are doing, because it informs us, and it informs you on the various approaches that can be made.

I was recently in Ottawa, Canada, and I had a government official from Tehran who actually had asked about language immersion programs in the United States because she was particularly interested in boarding school experiences, in how there was a generation of lost language as a result. And I told her, "I'm of that generation." Both my parents went to boarding school, and I'm not fluent in Cherokee, although I speak it like a little kid would speak English, I suppose. I see Dr. Gloria Sly in the back, and she is from my tribe. And so she is a fluent speaker.

But I definitely cherish the language, but I also know what it takes from my own parents' experiences to grow the language, it has to go outside the classroom as well, right? The tribe and the community have to also be speaking it and having a dialogue with the people as they learn it. There's also a need to fill the gap of the parents and my generation who do not speak it, either.

But it's something that we're committed to doing. We have flexibilities in funding and how funding can be used in terms of for language immersion and restoration programs. Certainly, we're committed to strengthening tribal education agencies or TEDs, and I think you'll see that in the body of our framework in ESEA as well.

We know that Indian Country also wants to know how to recruit more teachers to the school and classrooms, and I know that there are a whole lot of other areas where you-all have more experience than I do, and we really want to draw upon your experiences, your collective experiences to make sure that we're doing what we need to do to respond best to our Indian students.

With that, if you have any questions, I'm happy to take questions.

MR. ACEVEDO: Thank you, Kim. The floor is open from the Council to ask questions.

MS. OATMAN-WAK WAK: Not a question, more of a comment. I've talked with a lot of our different Indian people that have dedicated their career and service to Indian Country within the Beltway here in Washington, D.C., and I just want to thank you on behalf of Indian Country for your commitment and your service because it comes with great sacrifice, and we are mindful of that. And you are one of our

word warriors out there on the frontlines. And for that, I just wanted to say (Native phrase) to you for that.

MS. TEE HEE: Thank you. I appreciate that. Thank you.

MS. THOMAS: This is Virginia. I've known Kim for a long time. I, too, echo Mary Jane's word, but I am so proud of you. We all are. We feel like you've grown up with us, and this is really important to us that you've been elevated to this level, and hopefully, that we can also work with the Secretary to elevate this position that we're acting on back up to where it is within the Department, would be great. And if that could be accomplished and a little edge in there to make sure that, well, bring it back up to where it used to be, that would be very good. But we are really proud of you, Kim.

MS. TEE HEE: Thank you so much, Virginia. I've known Virginia since my days on the Hill with Congressman Kildee when she was the president of

MS. THOMAS: When I was a size 8.

[Laughter.]

MR. ACEVEDO: Now, this is on the record, Virginia.

MS. TEE HEE: Exactly. And Virginia headed up the Johnson O'Malley Association. I don't know if you still do, but it's a very important program that I'm also a recipient of. I think like many of you who are probably my age or younger, maybe older, probably participated in Johnson O'Malley. It's a very important program. And so thanks, Virginia.

DR. RAY: Hi, I'm Alan Ray with the Cherokee Nation, and I wanted to also echo thanks that you're here, that you're taking the concerns of the tribe as well as of Indian Country to this high level.

I'm really moved by your comments about immersion schools. I'm on the advisory board for the tribe's immersion school, and I'd be eager to talk to you sometime in another forum about what the federal government could be doing to help us circulate best practices. I know our immersion advisory board is also looking for these best practices. Tribes that have gone along encountered many of the same issues that we are seeing. And I think one of the things that's been somewhat frustrating to board members has been the difficulty having those conversations with tribes about what is working with immersion schools and getting those best practices. And anything that you could do to help us make those connections and facilitate those conversations that really benefit all of us, I think would be much appreciated.

But, basically, just to say thank you so much for your involvement.

MS. TEE HEE: Thank you so much. I appreciate that. I probably should mention, too, and Secretary Duncan may have said this earlier in his remarks, one of the approaches we've taken in this administration really involves greater engagement in Indian Country. And that commitment was manifested by the presidential memorandum that the President signed in November of 2009 on tribal

consultation. Really, it was a memorandum from him directing all of us at federal agencies and departments to fully implement the existing executive order on tribal consultation. And all the agencies have responsibilities to have plans of actions on how they plan to fully implement the executive order as well as progress reports they submit to us. Really, it's led to greater engagement in Indian Country at historic levels, and it's also led to interagency collaborations as well.

So we certainly are listening to what tribal leaders and the community have to say in consultations and listening sessions and using technology to reach out to communities that are not able to come to D.C. And we're also going out to Indian Country as well.

I think we've had this probably historic level of cabinet officials that have gone to Alaska for the last couple of years, and so I'm certainly proud of that accomplishment. But we're also incorporating those lessons that we've learned into our policies. And I certainly hear from boards like this and from Indian Country because we hear the best practices. We need to make better effort to make sure that we can compile the information and send it out as well, so I appreciate your comments.

DR. JOHN: Good morning. Nice to meet you. I'm Theresa John from Alaska. We have four different language programs in the Yup'ik region where we're the strongest speakers. Our children still speak our first language as the initial language when they go into the classrooms. And right now, we're working with the teacher aides, an infused number of Native certified teachers. And I hope that there will be some effort to put more funding into that. We're trying to uplift the stature of our teacher aides because they're the experts of our language and really understand the cultural needs of our students.

Right now, we're connecting the university faculty with the school districts to strengthen that effort, and I hope to see that increase because I feel that we have enough not but some indigenous people sitting in those positions of where they could be the best model for others to follow. And I hope that funding goes through in that channel so that we can kind of develop more materials that students really need in the immersion programs. And thank you for your work. This is so critical in the learning process of our children.

MS. TEE HEE: Thank you. Congratulations, I know you're our newest member, right?

MR. MCCracken: Kim, first, I would like to congratulate you as a friend and as a colleague. I'd echo M.J. and Virginia's congratulations to all your great accomplishments in representing us as Native people here in Washington, D.C.

Kim was one of the first friendly faces that I got to meet as I started this journey that I'm on, and it means a lot to me to personally say thank you in this public forum for your commitment to the vision that I had around creating access to support for our Native youth.

But just to make you aware, I've been really the kind of the thorn in the side of these folks around getting physical activity as part of the curriculum for our Native kids because it's for the whole kid. And I've seen a lot of great math and reading curriculum that I've seen that have come through this council, but as my good friend Jenelle knows, that I continue to remind them that the physical activity

component, with the high rates of diabetes and teen suicide and other things that are going on with our youth, I think the physical activity could be a great component to really some of those anxieties that our children might have or some of the concerns our children might have.

So I personally just wanted to make a public comment and thank you for your friendship and thank you for your commitment to our people.

MS. TEE HEE: Well, thank you, Sam. And I know that you've been a great resource, and Nike has developed wonderful relationships with Department of Interior, HHS and now Department of Education. And clearly, with the Let's Move effort, you've been involved in some of our discussions and how we roll that out in Indian Country. And so I appreciate all your efforts in always making us mindful that a healthy mind and a healthy body is something that makes for a productive and well educated youth. Thanks.

MR. ANDERSON: Hi, Kim. Greg Anderson from Oklahoma. I'd like to ask for your assistance in an area that I'm currently co-chairing the negotiated rule-making for facilities construction with the BIE for the BIE schools. We run across an issue, and we discussed it with Keith yesterday, and we also have a recommendation.

The BIE is responsible for these schools and the upkeep and the facilities construction. However, they do not have control over the funding that goes into these programs. We're making an effort to give the BIE more control in what schools are addressed and how the monies are used.

We do have a committee meeting next week, and I would like to forward to you some information and ask for your assistance in helping the BIE get better control and have more say in what schools are addressed and how quickly they are addressed. And if you could help us in that area, we'd certainly appreciate it.

MS. TEE HEE: Sure. Happy to receive your information.

Do you have a business card?

MR. ANDERSON: I do. Thank you very much. Thank you.

MS. TEE HEE: Okay. Good. All right.

DR. JACKSON-DENNISON: Good morning, Kimberly, and thank you also on behalf of Indian Country. I'm Deborah Dennison. I'm a superintendent of Window Rock United School District in Arizona, Navajo Nation. And I just want to echo some of what was already said here, but kind of the struggles that we're having in our immersion school, which is one of the very successful immersion schools across Indian Country within the Window Rock Unified School District.

Where that struggle happens is with having to recruit the highly qualified teachers at the secondary level. So we're trying to stay within the realm of what the state requires, but yet that's causing us not to make AYP, although they're effective teachers and they're showing effectiveness to

some degree, to some not degree. But we want to continue that K-12 model, but it's really hurting us because the state department is saying you can't.

So one of the things that Mary Jane mentioned to the Secretary earlier is one I would like your assistance on, is to make certain that we hold the states accountable to Indian Country with our needs and our expectations of how we're trying to improve our societies within the larger society because many times we're forgotten. When you look at the demographics of Arizona, you would think that those particulars would be paid attention to, but it wasn't until Secretary Duncan put out the requirements for the Race to the Top that the state ever came to Indian Country within our state and asked us for assistance as to what can we do to help you.

So money drives everything, and with that said, some of the recommendations that were coming forward to the Secretary have to do with that particular area. And so just to pay particular attention. And, also, it's concerning for me as I travel I was just here a couple weeks ago. And on my way in, I listened to I rarely listen to Fox News, but it was on in the airplane that I was in. And it was a very concerning interview that was being done with a Native woman. I don't remember where she was from, but it was very it's very concerning that there's this lack of understanding that's huge still out there for Indian Country.

John Stossel was the interviewer that was interviewing, and it just really told me firsthand that we have a long way to go with educating people about our needs because we're not in a position to I mean, we're very much in need, but to protect ourselves is real crucial right now.

So I thank you for the work that you do, and I hope I'm making sense. But it's just very concerning in this era of lack of education for the history, which you mentioned, the historical aspects that affect the here and now. My father also was of the era of being sent off to be educated in the five-year programs, and the BIA history and all that, that we're impacted with language and cultural beliefs and being played down as not significant. But those really are the significant things that pertain to making our children successful and our society successful.

So I thank you again, as has been said, for your hard work here. But we're really relying on you to be that person that spreads the word and maybe even making it possible to meet with the President on our issues. I don't think that's a whole lot to ask, knowing that he's out there in the forefront, and as a way to again show the significance of how important we are as a people to the relationship building throughout the country and throughout the world. Thank you.

MS. TEE HEE: Thank you so much for your comments. And education is a top priority for this administration, not just for Native Americans, for all Americans. And that's why we see Secretary Duncan here. That's why you're here. That's why I'm here. And Secretary Salazar is engaged. Really, all agencies are collectively working to advance our education agenda because it also relates to our economy. It relates to so many other areas in our future, and so I absolutely appreciate your remarks.

I formerly was on the Hill for about 12 years, and my big role was to educate, to start from the basics, why do we even have this relationship with Indian tribes, because people just don't know why

it's not a handout; it's a hand up. Why it's a legal relationship, what our responsibilities are. Once you start from that foundation, then you respect tribes as governments.

Sometimes you can have all the information out there, and you'll see some people ignore it anyway because they want to believe what they want to believe. But certainly in this administration, we honor the relationship, the nation to nation relationship. And the President has had historic levels of engagement himself, and he's had two tribal nations conference in which he's had engagement with tribal leaders. He's had tribal leaders into the White House where he's met with them. And as I mentioned, Secretary Duncan stays engaged as well. And so I think you have probably at the highest level the participation and access to government. And I definitely appreciate and will receive the recommendations that you guys make here, too. Thanks.

MR. COOK: Kim, I think when we're talking about collaboration, we've been doing a really good job with Interior, Department of Ed and the other folks that are at the table, too. But I think it's really critical to have Department of Labor as a part of this dialogue and collaboration just because of the job market that faces Indian Country. I come from an area in South Dakota where we have six of the poorest counties in the United States.

So Department of Labor has to be at the table helping with developing work skills, apprenticeship programs, all of those different things to help our students to be job and career-ready. And also, Indian Health Services and HHS needs to be partners with our schools.

I know my experience as an administrator, a lot of times our guidance counselors spend so much time dealing with behavior health issues, with suicide, homicide, a lot of different issues. They spend a lot of time, 80 percent of the time, dealing with those type of issues and unable to fulfill the responsibilities for academic guidance and that, too. So I look at partnerships with IHS to bring in healthcare people into our schools. That full service community schools concept would be really important.

But when we're talking about these partnerships, we always bring up Interior and Ed, but I think IHS needs to be at the table, and also, Department of Labor and these other programs, so we're not investing more in prisons; we're investing more in education and prevention/intervention programs, too. And I think a lot of these issues, too, boils down to professional development with teachers and providing resources for them because the bottom line is it's the classroom teacher who can implement health programs and afterschool programs and all those things, too. But we have to be able to provide them the resources to do that and not overfill their plates, to make education fun again.

MS. TEE HEE: I agree. That's a very good point. And I can tell you part of interagency collaboration isn't just merging two agencies. It's really merging and leveraging resources of many agencies that have equities in this particular area. When I was on the Hill, I worked on developing the 447 Program in which the idea was to leverage the resources of multiple agencies just in the employment and training area that you're talking about, right? So Labor was involved and other agencies as well. So it absolutely has some bearing in the discussion we're having, so I appreciate your comments so much.

All right, guys. Well, you guys have a good, productive meeting, and I look forward to receiving all of your comments, and thank you so much for the kind words. Thanks.

MR. ACEVEDO: Kim, thank you very much on behalf of the Council.

[Applause.]

With that, I'd like to invite the associate commissioner of the National Center for Ed Statistics, Peggy Carr.

If you could come forward, please. Thank you. Welcome.

DR. CARR: Thank you very much. It is indeed an honor this morning to follow two very distinguished speakers. I have a slightly different role today. I'm going to be your data poet, that term I learned just yesterday. I want to thank you for the opportunity to share the data with you today, and it's only a smidgen. It's a highlight for the data, but it's very rich.

A little technical glitch here. My PowerPoint is not showing up on the screen.

Okay. So we really are going to improvise because they're going to switch computers.

[Pause.]

My focus today will be on the 2009 results for the National Indian Education Study. I'm going to focus on Part 1. As you know, there are two parts to this endeavor, and Part 1 really includes the reading and math data. It's administered as part of the National Assessment of Educational Progress. And some of you may have heard of our term of endearment when we talk about the National Assessment. We call it our nation's report card. It's really the gold standard of large-scale assessments. It has been congressionally mandated since 1969, and it is sort of the second opinion, if you will, the elephant in the living room when it comes to student achievement. States are allowed to develop their own assessments and develop their own standards in those assessments, but what the nation's report card does is to provide the United States Department of Ed with a second opinion about how students are performing.

So we're very pleased to have an augmented sample in the NAEP assessment every two years in reading and math, and, basically, that's what I'm going to share with you today.

So the 2009 data were collected during our regular NAEP window between January and March. Over 9,000 fourth graders were included in the assessment in 1400 schools, over 8,000 eighth graders in 1200 schools. And these are really large samples, and they produce a nice standard errors that we can make definitive statements about the probability of these point estimates.

The Native American data, which I'll refer to as I go on with this presentation, was collected at the national level. So we have national level data. We have regional data, and I'll share some of that with you today. And selected states, as it turns out, there are several states that are sort of what we call naturally occurring. Because of the No Child Left Behind legislation, all of the states are required to

participate every two years. So the samples are huge, tens of thousands of students across the United States, about 150,000, or 160,000 students. So therefore, there are some states that are going to be naturally occurring, and then there are those that are not. And we have to do some special sampling to get those represented, and I'll share with you in just a moment the states that have been included.

We've always sort of bifurcated the data into low density and high density. As defined by the Office of Indian Education, 25 percent or more Native Americans in a school is considered in this report as high density. And last would be the low density. For the past couple of cycles, we've included all of the schools from the BIE schools, and so we're very happy to say that that participation rate is really high. Working with Dr. Moore has been very productive.

Here are the five regions. These are census regions. Over 50 percent of the students really come from two of these regions. That would be the south central region, the sort of red there it looks red at least on my handout and then the mountainous region, which is the darker gray. The states are identified here that are participating in the assessments. As I indicated, some of them are naturally occurring with the large samples. I think Oklahoma might be an example of one that we don't have to do the oversampling for.

I should point out before we actually get to the data that we don't have individual scores. That's sort of the nature of the NAEP assessment. So we really get assessed for group estimates, and that's what we produce. There are no individual scores, but on the other hand, the assessment is huge in terms of the content span that is included in the assessment, very rigorous.

Over 90 percent of the students the 1 percent of the students who were represented from this population, 90 percent of them are coming from public schools, 7 percent attend BIE schools, and 3 percent attend schools elsewhere in the United States.

Fifty percent of the students who are included in this sample are eligible for free and reduced price lunch, and this is an important context as we do some of the comparisons with the other racial, ethnic groups. White students, for example, on average, it's about 40 percent eligible for free and reduced price lunch. African Americans and Hispanics, closer to 70 and 80 percent eligible for free and reduced price lunch. So it gives you an important context.

The data are reported in two major ways. We have scale scores that range from zero to 500, with higher scores indicating greater proficiency. We also have achievement levels, and you've heard of these referred to at the state level. But, really, this language was started with NAEP back in 1990, basic, proficient and advanced. And the proficient level is sort of aspirational, I should say. It's very challenging to achieve proficiency because this challenge is a challenging standard over very aspirational content.

So I'm going to start with reading. Let me first preface my statement by saying that if I say that there's a difference, it means that we've tested for it statistically, and I've also indicated here with an asterisk. The comparisons are always to 2009. So for fourth grade, you see that we have flat, a flat line. Although it looks like there's an apparent difference, there is not. This is really a pattern that we saw for

the national level as well, no significant increase for fourth grade. For eighth grade, we do see a significant increase from 2007 to 2009. And we have something very similar for the national data as well.

The achievement levels that I described earlier indicated here, and these are cumulative, so you have to keep that in mind. Basic, proficient, and advanced, no change since 2005 or since 2007. Similarly, for the eighth grade, we see no asterisk which means that basically, these numbers, they look apparently different, but they're not. They're within the margin of error.

Now, we have comparison data here for the other racial, ethnic groups. And again, the asterisk indicates significant differences, and the Native American students have scores for the fourth grade comparable to African American students and Hispanic students, but their scores are significantly lower than their white counterparts and their Asian Pacific counterparts. You can see, they're quite different. These three subgroups are significantly lower than both white and Asian Americans.

At the eighth grade, slightly different picture, the black students are scoring significantly lower than Native American students, Hispanics, comparable to, and white and Asian Pacific Islanders, significantly higher than all three of these groups.

I thought it might be interesting to show you results from the BIE schools since they are basically a census. The results mirror what we've seen already for the Native Americans and, basically, the nation as a whole. And, again, we're still at reading, but those apparent differences there are not statistically significant for fourth or eighth grade.

I promised you a look at the regional data. Here they are. It looks like we have some movement here, but, remember, the standard errors are larger, and particularly, some of these regions are not as heavily populated. So none of these differences are statistically significant over this time period.

I like this chart. I want to take just a moment to explain it to you because it has a lot of meaning, a lot of numbers here, but there are really some key messages. Now, we always like to have smaller gaps, but we have to look at these gaps within the context of where they fall on the ability distribution.

So in terms of the first two states here, Oklahoma and Oregon, this is sort of a better news story than some of these other states that we have here. First of all, the gap for white and Native Americans is smaller. That 8 and the 14 is smaller than that 25 point gap that you see nationwide. That's a good thing. The other thing that you also see is that Native Americans in Oklahoma scored significantly higher than their national counterparts. That would be the 215 compared to the 205. Similarly, in Oregon, these numbers, the 205 and the 215, are not significantly different.

So the Native Americans in these states are scoring higher than or comparable to their counterparts nationwide. The white students are significantly lower. And notice that the point difference is a little further up on the ability distribution.

We have here in comparison a series of states that have differences that are not significantly different from the 25. But notice here, here's some states that we need to sort of focus on because their gaps are bigger than what we see nationwide. And the disparity is concerning down here at this low end because these students are scoring significantly lower than their counterparts nationwide. Now, these states aren't particularly doing well with any subgroup, as you can see here. So there needs to be some attention paid to these findings.

Very quickly, a similar profile for eighth grade, Oklahoma and Oregon again emerges as states with smaller gaps, further down on the ability distribution. That's sort of good news. No significant difference for these states, and this same larger gap states are shown here, although notice that the gaps are a little smaller. This is really a rich chart, and we provide these for all of the subject grade combinations in the report.

Achievement levels. You want students to be proficient or we want them as sort of the aspirational level to be proficient or above, not at the below basic category. And these are students who don't even reach the basic level of ability. Nationwide, 50 percent of the students are scoring below basic. And you can see here from this variation across the states that it is large and probably unacceptable to us all.

I should say that the national assessment, not just because of the Native Americans but because of other jurisdictions and other groups of students that are scoring on average, their average score is in this below basic range, we're looking closely at the items that map in the below basic range because there are not enough items. We have very few items down here at this area of the distribution. Most of our items are at the middle and above area on the scale.

So we're going to be increasing the number of items down here so that we'll know more about what the students are able to do. Right now, we basically know what students aren't able to do in this region because they're not able to answer these questions. So we're going to be populating the area of the scale more appropriately. Detroit, for example, has a big problem. Puerto Rico, when we talk about math, has a big problem because they have the same sort of average score down here at this area of the distribution.

Notice that we see a slightly different pattern here for eighth grade. There are less students by state in the below basic. Now, it's not clear what's going on here. There could be some issues regarding dropout and things of that sort. These are not longitudinal studies; they're snapshots. We see this same picture in all of the various cycles that we have explored, that the eighth grade seems a little different, less students scoring in the below basic range.

Now I'm going to switch to math, and I want to preference my statement by saying nationwide, students regardless of their race or ethnicity are doing better in math than reading. Reading seems to be difficult for us all, and you're going to see a similar pattern here.

At fourth grade, that's flat because you see no asterisk, but let me say, there is a little difference. I want to depart here and say at the national level, we did see an increase for fourth grade.

This could be due to just random error. It's not clear, but we need to keep our eye on this the next time around when we get our next data point and see where that goes.

For the eighth grade, this apparent numerical difference between '07 and '09, not statistically significant, but it is trending. And I'm not as worried about this because when you go to the achievement levels, you see a significant increase from 2005 for the at or above proficient, that 14 there, and for the advanced at the eighth grade. That's good. So that means that the bottom of the distribution isn't showing as much growth. Numerically, it is but not significantly so, but the top of the distribution is. And so that's sort of good news, and that sort of mirrors what we've seen nationally as well.

But here at the fourth grade, something different is happening here, or should I say nothing is happening there. Here, your racial, ethnic differences again, black students are scoring significantly lower than Native American students; Hispanics, significantly higher, white and Asian Pacific Islanders, significantly higher. Here at the eighth grade level, we see basically the same pattern.

I want to stop here and share with you something I shared with a group that I spoke to just yesterday. Actually, it's a conference on HBCUs. We were looking at very, very similar data, but we were looking at course taking. And one of the things that we found when examining the course taking data is that we've been comparing ourselves, the minority groups, blacks, Hispanics, African Americans, Native Americans, we've been comparing ourselves predominantly to whites as sort of the comparison group when we look at these data. Well, we need to sort of switch, think more broadly about what the comparison group should be or should it be just limited to white students because Asian Pacific Islanders are pulling out front. They're pulling out front of everyone. And particularly, when we look at AP course taking, advanced math, advanced science, they're so far ahead of everyone else, that that needs to be we need to keep an eye on that because they're making progress. They're scoring higher on these assessments. And they're scoring higher in part we don't know for sure because it is a snapshot because they're taking these courses, and they're taking these courses early, often as early as middle school. So this is something that we need to think about and keep our eyes open.

Again, the results here for BIE, trending in the right direction, and I am very cautiously saying that, representing a statistical agency. If it's not significant, it's not. But we know that when we bifurcate these data by percentiles, we see the trend is there. If we did a more sophisticated analysis, we might actually be able to pick up something. Note here across the various regions, not enough there to pick up anything statistically significant, basically flat.

So that's basically it. There is a Part 2. I'm not going to discuss that with you today, but the Part 2 focuses on questions that were given to students, teachers and building administrators. They were asked about their Native language and their culture and how that was integrated into the curriculum. They were asked questions about their school and how the school interacts with the communities, some very, very rich data. That report focuses primarily on those responses.

Now, there's also a Native American website for these data, and we have correlated the responses to those questions that I just described with performance for the reading and math. And that website allows you to actually go in and look at the correlation there as well.

So I'll stop now and see if there are any questions, and perhaps I can go back to the slides if people want to look at a particular slide.

MR. ACEVEDO: Peggy, excellent presentation.

I'll take questions from the floor. Robert?

MR. COOK: Hi, good morning. I really appreciate the work that's been done on this study, and really for the first time, we have some actual tangible data to really show the academic progress of such a large group of American Indian, Alaska Natives. And it really shows how much more work that we have to do in order to bridge this gap.

But something that's even more critical is that when you look at these fourth and eighth graders in elementary and middle school, they have a pretty good system of support. I mean, the elementaries do a pretty good job with parental involvement, with really working with the kids. But that transition from eighth grade to ninth grade, and then when our kids get into high school, when a lot of our kids go from our tribal elementary schools and then they go into public schools because our tribes don't have secondary programs, the academic achievement gap and the dropout rate really becomes disproportionate.

I think that I wish that we could go further on and really look at that because we're in a real critical situation once those kids get into high school because they lose that support system in middle school and elementary and really become at risk for dropout and at-risk behaviors, some of the different things, because that support system isn't there. Even from our parents, we kind of look at when our kids get into high school, well, they're pretty they can handle their own stuff. I don't have to go to the parent-teacher's conference and things like that.

So it's in a real critical area, and one of the things that I would like to see is really some resources put into our tribal colleges to fund more teachers that can go on and teach in the middle school and high school areas that are Native teachers that will be able to really implement our language, culture and develop culturally responsive teachers because I really worry about our high schools students that once they get in there and there's no data to really show this critical crisis that's going on with that.

So, anyway, I just wanted to say that for the record, that this is important, but I wish it could go even further.

DR. CARR: More is definitely needed. I understand precisely. Let me say that there are a couple of opportunities, and I think we need to think through it. I'm sort of talking off my head at this point. But we have a 12th grade state initiative. We have 11 states that volunteered to participate in NAEP in

2011, I think it was. And we've requested funds. Congress is having a time of it, but we've requested funds to expand the 12th grade state assessment to all states that would like to participate.

Now, in that could be a possibility for additional data at the high school level for Native Americans. Just as I described for the fourth and eighth grade, when you have all states participating, there are certain states that emerge as naturally occurring and have enough of a sample. And just sort of nationwide, when you have 160,000 kids, you're going to pick up enough Native Americans. So let's be hopeful that that's one possibility where we might be able to affect some change and gather more information.

MS. OATMAN-WAK WAK: I think it's really concerning seeing those different cultural geographic point variations from Oklahoma to Alaska. I think all of us here at the table are very keen to the fact that we have a lot of issues around test development, unique cultural group responses.

What kind of involvement of Native communities takes place with the differential item functioning and like the DIF analysis of the development of NAEP?

DR. CARR: That's a really good question. I like that question. We do DIF analysis on all of our items for race, ethnicity and for gender, and some of them do come up on DIF. And once they do DIF refers to differential item functioning. And once they do come up, we have the C category is what sort of tips it over. Then we take it to a committee that examines, and the committee does include a well diverse group of professionals that look at the item to determine if students who have similar ability who are performing differently on this item, if there's something there that needs to be taken into consideration.

Very often, we have this examination, but very rarely do we actually throw out an item. So DIF does occur, but we have rarely thrown out an item because of it. It's a good question.

MR. PHELPS: I have two questions. If you look at I don't know if you can see Slide 9 where I'm looking at fourth grade reading.

DR. CARR: Slide 9. What does it look like?

MR. PHELPS: This one.

DR. CARR: Oh, I see. Is it this one?

MR. PHELPS: No, no. Next one. Okay.

So this is I guess I'm just going to ask a basic question. Are those supposed to add up to 100, those numbers?

DR. CARR: No, because what happens is that the below basic isn't here. It's a default. So the below basic isn't shown, for one. So students who are at or above basic, 48, plus the difference, would add to 100, but the 18 is included in the 48 and the three is included in the 48, and the three is also included in the 18.

So, no, it's not going to add to 100, and that's why I said it was sort of cumulative. You have to consider that anyone who is proficient is also basic. Anyone who is advanced is also proficient and basic. But a student who does not meet any of those is below basic, and that technically is not a category. So it's not shown.

MR. PHELPS: So one other question then, when you're testing, you said there was a significant difference between the fourth and eighth grade. Do you have a sense of those numbers in terms of sample size? Are the eighth grade samples smaller because they're testing less kids?

DR. CARR: No, they're not. The samples are robust. You have 8,000 students at the eighth grade level in 1200 schools so that's a really nice sample, and 9,000, that little difference there means nothing once you get that number of students and that number of schools. So you don't have clustering effects in schools. It's a large enough number of students. So what we're seeing are real or lack thereof differences. These are real differences, I think, that we can rely on.

Now, once we start breaking them down at the regional level, then the number of students gets less, and it contributes to the wider confidence interval in trying to estimate that point difference. But at the larger level that you're referring to, you need to be confident in these findings.

MR. ACEVEDO: Theresa.

DR. JOHN: Thank you very much for this data. My question would be if you have any differentiation Alaska is so huge and diverse, it would be good to know if you were talking about rural students or urban students because that can tell us a huge story.

I'd like to follow up with Robert's comment that in classroom situations of where there is second language issues, students need to be provided adequate testing materials. If their first language is indigenous, we need to ensure that the students are provided quality materials to have proficient study outcomes. And in that case, I would hope that we provide the students' needs after we find out exactly which schools or population we're talking about, which geographic outcome.

Because I know that in immersion schools, there's a huge transition and trend in the enhancement of their education. In the few years that are only immersion school in Alaska in Yukon, Ayaprun Elithnaurvik School, a majority of the high school, the highest scores are the former immersion graduates at this time. And I don't know if the study has been conducted in that trend.

DR. CARR: So those are all good questions. I heard really three really good questions, and let me see if I can try to remember them all.

The study allows NAEP allows you to bifurcate the data by location of the school, urban, rural, suburban, so forth. I can't remember if the report, this particular report, has type of location in it, but I can say with certainty that the website, the Native American data tool, allows you to bifurcate that data that way and to cross it with other important variables that I heard you refer to such as gender.

The other thing I should say is the OEB Directive 16 that goes into effect for states in 2011 is going to require us to report out data separately for Asian Americans and Pacific Islanders. So we're going to have that data separately, and I think that I shouldn't assume, but I assume that that will have some meaning for you when we separate out those out in that particular area.

Then there was a third question, and I'm not remembering what it was. But if I have not, just

MS. LEONARD: (Off microphone.)

DR. CARR: Yes, well, we're prohibited from directly influencing instruction, but we asked a heck of a lot of questions about what is going on in the classroom, the type of projects that students were working on, the types of questions, how the teacher presents those questions to the students, how much time is spent on particular materials, so forth and so on. And our technical panel spends a lot of time helping us think through how to ask those questions, and they are available on the NAEP data tool as well.

DR. RAY: Thank you. Can you say anything about the differences in results that you saw on either fourth or eighth or both by gender? Did you perceive anything interesting there?

DR. CARR: I don't remember the gender results. We do have them if

[Comment off microphone.]

DR. CARR: We do have data on the location in the report? Okay. Great. And gender data are in there, although I don't remember the findings. So if you can you'll look that up for me. I'll take, field any other questions.

MR. ACEVEDO: Debbie.

DR. JACKSON-DENNISON: This is real interesting data, and coming from looking at the data on, again, demographics and looking at I'm just wondering if there are any other ideas as far as studying the or if it's been done already, the regions or the demographics, especially related to whether this is attributed to the assimilation of language loss, because in the school system where I'm working, we have found, as was already mentioned, that the students who are bringing the scores up in our district are from the immersion school.

So as you look at the Arizona data, you're seeing there are not very many immersion schools in the state there, but when you look at the it's almost it's profound when you see the gap so wide, and we know that. And so how do we go about making recommendations as to making certain that we have these type of I know you said you can't really make comments on instructional, but at some point, we need to use this data. And I'm thinking maybe doctoral students or someone using this data to make comparisons of that nature and make recommendations of that nature through the NIES.

DR. CARR: Actually, you helped me remember Theresa's third question. It had to do with students who speak a different language. So we have an LEP, English language learners, a designation. We also have a

formerly LEP designation that we just recently added. That might help get at what you are referring to, students who were formerly ELL who are no longer ELL. So that will be available for these data.

You mentioned a more sophisticated analysis, which, of course, we don't do here, but one of the things that we provide for this study is training on how to go in and analyze these data, the restricted data, not just the public-use data that's available on this public data tool that I referred to, but someone who's able to go in and do more sophisticated, say, HLM analysis, just maybe even some simple regression analysis. And they can get closer at the questions you're asking. And we're going to provide that assistance and that training for graduate students, for professors, others who have the skill set to go in and analyze those data.

MS. OATMAN-WAK WAK: Just for everybody's information, can you provide the information on that deadline? Because I saw the notice that you guys are recruiting people right now for that training.

DR. CARR: I'll ask my assistant to look that up while we field any additional questions.

MR. ACEVEDO: Any other questions of Peggy?

[No response.]

Thanks a lot.

DR. CARR: Thank you again for this opportunity, and I hope I can come back and share more as the 2011 data become available.

MR. ACEVEDO: Thank you so very much.

We would like to now the long suffering Lana Shaughnessy.

Is Lana in the room now?

(Whereupon, a recess was taken.)

MR. ACEVEDO: I would like to welcome Lana Shaughnessy for her presentation on discretionary grant programs.

Lana, thanks for indulging us and delaying it by a day. Thanks so much. We'll go ahead and get started.

MS. SHAUGHNESSY: Certainly, I don't mind. And it's an honor for me to be with you today, and I've got the presentation here on the other part of the Office of Indian Education grant programs. Bernard went over the formula grant program, and I'm going to talk about the discretionary grant program.

But before I do, I'd like to say just a little bit about myself to introduce myself. I'm a member of the Kiowa Nation of Oklahoma. I was born in a little place called Carnegie. I know we have two Muscogee Nation members here, and my grandfather was a member of the Muscogee Nation. And my

grandparents met at Bacone, and my mother went to Fort Sill boarding school in Oklahoma, which partially explains why I am not a Kiowa speaker.

But anyway, my first teaching job, I was talking with Debbie, was in Chinle. So I've been active in Indian education for close to, I hate to say, 30 years. Before I came to the position that I now am in at the Office of Indian Ed, I came from the Bureau of Indian Affairs where I worked for about 15 years primarily with and I know Greg knows me from my BIE days primarily with a program called The Family and Child Education Program, which is a family literacy model.

So, again, I came to OIE in 2005 and have been working with the discretionary grant program with Bernard. I have one person that I have two people from the office sitting back there, if you'd just like to stand.

Karen Swagey assists with some of the demonstration grant activities, and we have a new person onboard, Jim Barthmaier, who primarily is working on the professional development payback activities, which Robin alluded to yesterday when she was here.

So with that being said, we'll start, and I won't be as long as Bernard.

Briefly, we're going to be going over these items in this presentation, eligibility, absolute priorities, budget definitions, the 2010 grants and contacts. What I have handed out are all of our current or active discretionary grant projects. So we currently have active, working today, doing things with children, 44 demonstration grants and 30 professional development grants. And what you have as handouts are brief write-ups on each one of those projects. And, actually, we have a project director sitting on the NACIE board. Stacy Phelps is one of our demonstration grant project directors, a brand-new one, 2010.

Discretionary grants are competitive, unlike the formula grant program, and each application competes with others for funding. And the only reason I mention that is because we often have grantees that want to submit they ask should I submit one for high school and one for preschool, and I just remind them that since it is a competition, yes, you can do that, but those applications will be competing against each other. And also, these grants are four-year grants. So what you have in terms of handouts start with 2007 because the 2007s are in their fourth year.

The submission guidelines are very stringent and must be met, again, because of the nature of it being a discretionary grant. And submission requirements are printed in the closing notice of the Federal Register, and in those we advise all of our potential applicants to be sure to read the closing notice and follow those instructions.

Who is eligible? For the professional development program, the eligible applicants are universities and colleges. However, I must say that they would need to be able to provide a bachelor's degree in education. Tribal colleges and universities, they're also eligible. However, if they cannot provide the bachelor's degree, they would apply in consortium with an IHE that does. State or local education agencies also in consortium, again, because it needs to be a degree-granting facility or entity;

Indian tribes in consortium with a university or college; an Indian organization in consortium, again, with a university or college; and Bureau-funded elementary and secondary schools in consortium, again, with a university or college.

You seem to have a question on your face, and I think one of the primary reasons, for example, the BIE-funded school – most recently, we had Tuba City Unified School District applied in consortium with, I think it was Arizona State University. And they were using our professional development grant to provide training and support to many of their American Indian classroom aides and assistants so that they could complete their degree and become teachers in their schools.

So I just said that as Window Rock is coming in. I was just using Tuba City, which isn't too far from you, applied for and received a professional development grant. And the purpose was because they wanted to provide training and support to their classroom aides and assistants who were primarily Navajo so they could complete their bachelor's degree with Arizona State University and become classroom teachers. And we have other examples of that, too.

Only those specifically listed as eligible entities may apply in a consortium agreement. So you need to be careful who you partner with because they need to also be eligible to apply.

Entities that include an Indian organization must provide documentation in the application that they meet all criteria of the definition. So in other words, when we receive an application and it's from an Indian organization, the burden of proof is on the applicant to show us that they meet all the criteria.

Again, eligible applicants includes – wait a minute. Okay. This is for demonstration grants. Indian organizations are eligible for demonstration grants as well as state or local agencies, Indian tribes, Indian organizations, tribal colleges and universities, and Bureau-funded elementary and secondary schools. And there are absolute priorities that are part of both professional development and demonstration that must be adhered to.

The absolute priorities limit the types of services that a project can provide. So the services identified in the application beyond those specified by the absolute priority are not permitted. Services beyond the scope of the absolute priority can result in being an ineligible application.

The absolute priorities for the professional development program are training services and support for pre-service to be a teacher, to get a bachelor's degree as a teacher, and pre-service training and support to obtain a master's degree in educational administration and become a principal or serve in some supervisory educational administrative capacity. And those are the limitations, the absolute priorities that a professional development application would address.

I just want to go back to that for one minute. The pre-service does not allow for the completion of, say, an AA degree. You have to apply to provide training to complete a bachelor's degree as a minimum.

For the demonstration grant, the project services are limited to preschool programs for three- and four-year-old American Indian, Alaskan Native children and/or for college prep programs for your

high school students, American Indian, Alaskan Native students. So the project services are limited to those two services.

For the professional development grant, the funding levels, the first year again, these are four-year grants. The first year is 400,000, the second year is 400,000, the third year is 400,000, and the fourth year is 90,000. These project periods, the length of the award is up to four years, four budget periods. The 90,000 in the fourth year is basically to provide induction services for new teachers.

As you all know as educators, that first year in the classroom can be really scary, and so in the fourth year, which is the last year of the funding, we expect that all training and support of these participants has been completed, they've graduated, and they're in that first year of teaching. Induction services will allow for support in that first year.

Some examples of that are we have some of our projects we'll bring all of the first year teachers together for like a weekend seminar, and out of that 90,000, they're paying for their travel and transportation to come together to have a seminar. They provide them laptops to stay in touch. They do all sorts of things. They'll travel together to a conference. They pay for the substitute teacher that might be required for them to, say, leave on a Friday or a Monday so that they can participate in induction services. The induction services aren't a requirement for the participant, but it is a requirement for the grantee to provide. So that's why the funding level is reduced in that fourth year.

Allowable costs for professional development include, of course, all tuition costs, books, fees, supplies, a living stipend up to \$1800 a participant to pay for their rent and whatever bills they might have. It also includes up to \$300 per child for childcare costs. And how that rolls out depends on each grantee. In other words, if you have a participant with five children, maybe your budget won't allow to cover that much cost. So it's up to the grantee to determine the policies for who they select and how they're going to roll out, but they can pay up to \$300 per child in childcare costs for the participant. I know a lot of the projects will limit that to, say, two or maybe three children.

For the demonstration grant, it's a little bit different. Again, it's four years of funding, but each year the funding, the budget limit, is 300,000. But when you add them all up, it's pretty much the same, a million two.

For program definitions, we refer to 34 CFR in EDGAR, and mostly, the definitions, I mention it because I have to mention it a lot to potential applicants who want to know what the definition is of an Indian organization. And that's what we refer them to, and that's what we use to determine eligibility.

As I mentioned, they're four-year projects, but each year, projects are required to make substantial progress on performance for continued funding. And by that, I mean they each provide us an annual report to review. We stay in touch with them throughout the year, at least quarterly, looking at their drawdowns and gaps, answering questions and e mails. And we stay in touch as best we can.

The one education program specialist that is not here today, Robert Ambrosio, is assigned to work with our professional development grantees, and I know he stays in touch with them. And, Stacy, I mentioned before that you have one of our demonstration grants, and I try to stay in touch with you.

In 2010, we awarded eight professional development grants. So this is our most recent competition, and they went to this list of schools: Portland State, which is the first time in a long time; Northern Arapaho Tribe; Chief Dull Knife; University of South Dakota; Sitting Bull; Arizona State; Fond du Lac; and Salish Kootenai. And I'm happy to see so many tribal colleges getting professional development grants.

I also need to point out I'm proud to point out that Salish Kootenai, Cindy O'Dell is my contact at Salish Kootenai, and she was elated to report last year that Salish Kootenai was producing the most American Indian teachers of any degree-granting facility in the state of Montana. So hats off to Salish Kootenai.

Our demonstration grant projects awarded in 2010: San Carlos Apache tribe, which is the first time that I can recall; Cook Inlet. Actually, Cook Inlet has three. I think if you look through your abstracts there, you'll find an '07 and an '08, and now they have a 2010. And they're primarily a high school project.

Hoopla Valley, that's a new one ever. Mashpee Wampanoag is first time ever, and I believe they're in Massachusetts. And so many of our projects are out West, so it's kind of exciting. Special School District Number 1 in Minnesota, which in my mind relates to the Minneapolis Public School District; Turtle Mountain Community School. And I have to say about that one, that's an early childhood project, and they call it the Tiny Turtles. I think that's so cute. And that is also that's BIE, actually, because that's the Turtle Mountain Community School District up there. And, of course, Stacy with the American Indian Institute for Innovation, and that is primarily a high school project.

I'd also like to say that there is no number you have to serve. There's not 10 or more to apply for formula grant, I think. Bernard, if that's still the rule. With a discretionary grant program, of course, there are no amounts you have to serve. American Indian Institute for Innovation, correct me if I'm wrong, but you're serving close to 400 students. And Turtle Mountain, I believe, is serving 40. So it just depends on what the focus of your project is.

Then we have Rapid City Area Schools, and another brand new one is Chief Leschi Schools. And Chief Leschi is doing a combination. They're serving high school students and they have a preschool program.

So as I look at that list of demos, I see Turtle Mountain is preschool. Chief Leschi is preschool and high school. So most of them in 2010 were high school projects, but as I said, in your handouts, you can read what they're doing.

Continuing with 2010, that group of 10 and that group of eight, we were funded in 2010 for \$19,060,000, and all that money was distributed through the new grants and through keep in mind,

when you're funded, you're funded for four years. So the 2010 distribution of funding funded these eight, and it also funded 23 continuing projects who were in different they're in year 2 or year 3 or year 4. And the 2010, we have these 10. As I mentioned, we currently have 44. So there are another 34 that we're continuing, so they were all funded.

So every penny, including Kaufman & Associates, whose support is contractually with an annual meeting every year that we have with our new grantees, and we also have an annual meeting with our continuing projects and with webinars. We recently had one last week on the professional development program. Anyway, all of it was spent, and we do that every year.

Speaking of that, too, like Chief Leschi because we go down the slate with the money as far as we can go, Chief Leschi kind of got the short end of the stick because we were running out of money. So I believe their grant was something like 140, but in their second year, they'll be back up to their budget, what they actually were asking for in need.

But we asked them, we can give you this much if you want to start. And so what they did since they're addressing both priorities, they thought they would start with their preschool project because they were more up and running to be able to start with that, and then they're going to add their high school activities into the second year.

So in 2010, due to an administrative error, we found that there were 16 demo applications and six PD applications that required us to conduct a second panel review, which we did a few months ago, January 2010 [sic]. So in other words, those 16 and those six were not read when we conducted our panel review in April, and they would have been eligible to participate.

So we conducted a second review of those 16 and those six, out of which and let me just say this, too. When we do a review, it's conducted here in Washington, D.C., and we fly all of our readers in. And each application is read and scored by three different readers, and then those scores are put into what used to be GAPS and it's now G-5 who put all the scores together. And they do the statistical analysis, and they come up with a rank order. They standardize the scores because, as you know as people, some of us are hard scorers and some of us are lesser scorers. And so by putting them through the standardization process in G-5, we come up with our rank order.

I also should add that those applications that are received by, say, a tribe or a BIE school or a tribal college, they get additional points. They call them priority points, so they get five additional points, and that's added once. And then we do the standardization.

So the 16 and the six were reviewed and scored. A new rank order was generated amongst all of the other applications that were read and scored in April. And as you saw in previous slides, we had 10 top demos that we awarded. Well, two of the 16 that we read and scored ended up in the rank order of being able to be funded. And two PDs also ranked as you saw in a previous slide, we funded eight, so we were able to go to the top eight. Two PDs ranked within the top eight.

So, as I mentioned before, all of the funding had been distributed to those first group that were read and scored, 10 and eight. So these two demos and these two PDs will need to be funded with thank goodness they passed a budget with the 2011 appropriation that we now I guess is in the bank. So they will be funded, and they will be starting with our 2011 group.

So with the remaining 2011 available for funds, the Department proposes to fund the next highly qualified applicants from the 2010 pool rather than conducting a new competition in 2011. And let me just speak to that, too.

As you can see, when we have our discretionary grant competitions, we don't have enough money to fund a whole lot of the applicants, and a lot of them, they get scored a lot of them are scored well, but they just don't rank high enough. We can only go down so far.

So starting right now, we already know we're going to be funding two PDs and two demos. So Ed proposes to announce the decision to fund the next highly qualified applicants from the 2010 "pool" is the word here, but I think "rank order" might be a better word of applicants. And we'll announce this in a Federal Register notice. And considering what our funding allocation may be, we will probably be able to fund oh, it's hard to say, but we'll go down as I don't know for sure what the number is right now. I know it was 19,060,000 last year, but perhaps Michael can enlighten us later on.

[Comment off microphone.]

So it's not going to be 19,060,000. So from my experience, I would say that and you know what the costs are if our professional development grants are a little more costly. So in all likelihood, we should be able to fund three more professional development grants if we just go down the rank order of what we have and possibly three or four more demo projects going down the rank order that we have, in addition to the two that we discovered in January.

There is my name, and there is Bob. And there is Jim, who helps us with our payback issues. So that's it. I'll address questions.

MR. ACEVEDO: Thanks very much.

Questions from the Council? Mary Jane?

MS. SHAUGHNESSY: Sure.

MS. OATMAN-WAK WAK: Gosh, I have a few. So you mentioned the contact there for the payback analysis. I've heard some really troubling stories about students that have gained that certification about gaining placement within schools and communities that serve large Native populations because there's just a lot of folks that have just really with tenure, and some of those areas have really even when there's vacancies, they still have trouble getting placement.

Where can we find data on these programs, the professional development grant programs where we can show out of 40 cohorts in this professional development program, 38 of them

matriculated into a classroom as a certified teacher and then reasons why others didn't matriculate, either because they couldn't find placement or when it came down to their family economics, they were offered a position that paid more than what they would be making as a certified teacher?

That's, I guess, the first part, is where can we find the information on the outcomes? And then the second part of it is, I think it might be further down the road for recommendations specifically of these programs. I had the opportunity to read for i3, and I absolutely loved the dissemination portion. I think that that is imminent for these programs. We don't know what works. What are the best practices? What are the promising models because there's no dissemination tied to these projects. And so that is something that I'm going to highly encourage my peers here to look forward to as a recommendation, is the dissemination activities around professional development and demo.

MS. SHAUGHNESSY: That's excellent, and I would agree with you. And I know what you're referring to has to do with the payback portion of the professional development grant. Before they can receive service and support, each of the participants sign a payback agreement that's generated by the entity that gets the award. It's not generated from us, so it's –

But it is part of the regulations. So once they graduate, they are committed to either providing a service as a teacher or an administrator, or they have to pay back fiscally. So it's the payback issue, and I know Robin pointed that out, too.

But getting to that data of where these people go and what they're doing is something that like you see, it's Bob and I, and it's information that we need to know. I know that we're looking at that now.

MS. LEONARD: I'll add to that. I think you've put your finger on the pulse, right on the bull's eye, and Lana and I have certainly talked about this as well, the other Indian Ed staff, Bernard, as well. And it has come to our attention that we're not doing as good of a job as we should be doing in terms of disseminating information or even collecting it.

Speaking to Lana's point, which is there are few staff people to do that and funds to do that. So when you look at the national activity statute and you look at its intent, I think moving forward, certainly, the push is going to be to be able to collect data about the professional development program to that granular level that you spoke to in terms of what is the outcome, what is the outcome for the students that are graduating, and to look into circumstances or challenges that students who don't complete or who may drop out, what are some of the circumstances and how can we improve the program to better address those circumstances.

So we know that we have a lot. It's one of the things that you say, you're data rich and information poor, one of those things. So we have a lot of information in the Department. We just have to figure a way to have an extra hand, meaning through national activities, to help us collect the data, and even to pull on your expertise and your advice in terms of how we should push that data out. What should we be sharing, how does it look, what kind of publications should we be developing, and how do we get this information out? We just need some outcomes and results to share.

MS. OATMAN-WAK WAK: And that would be my recommendation, is that these grantees actually carve out the 5 percent or 10 percent of their budget, even though that's going to become a very controversial number, about what percentage that looks like, directing from student services. But I think that's it's a very good investment for those communities, those tribes, those tribal colleges that are receiving these funds and doing excellent things funded from the Department of Education, again, to be those beacon tribes and beacon communities for all of these others that are struggling.

So I think dissemination activities built into a requirement of their program is how it was done with i3, and I thought that was wonderful.

MS. SHAUGHNESSY: Thank you.

MR. ACEVEDO: Other questions?

[No response.]

MR. ACEVEDO: Thank you so much. Appreciate it very much. Excellent presentation.

MS. SHAUGHNESSY: Well, thank you.

MR. ACEVEDO: Michael, we have long deferred on you. You are going to talk about the Elementary and Secondary Education Act reauthorization.

MR. YUDIN: I am. I'm going to do two things, actually, Mr. Chairman, if I may. I'd like to first actually talk about the director position, give the Council an update on where we are, get your feedback, and then kind of launch into a presentation.

So when last we met, we had some conversations about the process for choosing the director of the Office of Indian Education. The Council made some recommendations that they were not happy with the process as had unfolded. As folks remember, the process began before the Council convened. In any event, the Council recommended that we start the process anew in finding the new director for the Office of Indian Education.

So to protect the integrity of the personnel process, I'm going to keep my remarks kind of broad and general, but I want to give you as much information about the process as possible.

As you know, the announcement has been posted, and the announcement will stay open until May 6th. Lynette is passing around a copy of the position description so you have it in front of you. May 9th, not May 6th, May 9th; gives us another couple days. Excellent.

We have had extensive conversations with the subcommittee, with the NACIE subcommittee, on personnel to help shape and develop the questions that went into the announcement. We put together a package that meets some of the key criteria that was identified as priorities. And I open it up to Debbie or others on the subcommittee if they want to add what their involvement was, but we had a number of significant conversations talking about some of the key criteria that we identified as priorities

that need to go into this position description. And folks can take a look at this, and we can come back to it and talk about it later, if you'd like.

So far, we have received 25 applications, five from individuals that are already employed by the federal employment and 20 from outside. So that's not a lot, but we have some time. We have till May 9th. We've done a number of things. We've reached out to NIEA, to the National Congress, to you guys to energize your network. The Secretary has talked about the position, the deputy secretary, the assistant secretary, the general counsel. And senior leadership have been focused on this and announcing this position. The White House has been doing its part. The Department of Interior, we've reached out to. Our grantees, we have reached out to, and other program offices within the Department of Ed.

So we've taken a number of steps to kind of disseminate and do some outreach to get obviously, our goal is to get the highest number of quality applicants we can, to get a really rich pool. So what we'd like to do is again to urge you guys to engage your to active your network and really, really get this out there, so we can really move forward and have a really strong, strong pool of candidates.

Once the position is closed, our Office of Human Capital Services will meet with a subject matter expert, which we have asked as a member of NACIE to sit in and assist and help review the applications, and assist in making a determination which candidates meet the selective criteria. And I believe you will present who that subject matter expert is at your reporting out, if I missed it.

MR. ACEVEDO: We already have. Thank you.

MR. YUDIN: I am behind the eight ball. And once it is completed, the assistant secretary will receive a certificate of individuals eligible for the position. And once that's closed, once the position is closed, we will come back to you and work with you to establish an interview process that fully embodies consultation with NACIE as we move forward.

Any questions or concerns?

MR. ACEVEDO: Questions from the Council?

[No response.]

There being none, go ahead.

MR. YUDIN: Thanks. Okay. So what I'd like to do is kind of walk through some of what I believe are the administration's kind of key levers in education reform as well as the ESEA reauthorization. I think everybody here knows too many kids don't enter school ready to learn, too many kids don't graduate from high school, too many kids don't graduate from high school prepared to succeed in college or the career, too many kids have to take remedial courses. We know the more remedial courses a kid has to take, the less likely they are to actually graduate from college. They have to use their money, their Pell grants, and they don't get credits for those courses.

In fact, there are millions of jobs in this country that go unfilled even in this economy, there are millions of jobs go unfilled because employers don't have a skilled workforce. I know you heard from Peggy this morning. I'm sorry I missed it. We know that the outcomes for Native American kids are very, very troubling indeed.

So how do we reverse decades of stagnation? And I'm talking generally. How do we drive innovation and reform? How do we strengthen the teaching profession? How do we stretch our dollars?

We believe that there are some key levers to do this. The President has set the goal that by 2020, the United States will lead the world in college completion. That is our north star. That drives all of the agency's agenda, our reforms. All of our reform initiatives are based on the United States leading the world in college completion in 2020. A generation ago, we were first.

Today, we are ninth. Getting there is going to take an enormous amount of work and effort and shifting of systems and paradigms, and there is absolutely no way we can even reach that goal if we don't improve outcomes for Native kids.

We think there are a few things that can help get us there, and, essentially, it is a comprehensive cradle to career strategy to accelerate student achievement. We will focus on promoting reform, rewarding success, and supporting innovation at state and local and tribal levels.

So I'm going to identify five kind of key levers that the administration has identified as priorities. First, high quality early learning. We are absolutely thrilled that in this budget that Congress just passed the other day for fiscal year '11, we got an additional amount of money for Race to the Top, and I'll talk about that in a minute, for \$700 million. Congress gave us the authority to carve out a program for early learning.

So there's potentially a good, good chunk of money that we've never had to really create help create at state and local levels high quality early learning systems, from birth through kindergarten, that look at early learning standards and promote better coordination of resources, and measure program results to actually help ensure that more kids enter school ready to learn, ready to succeed. So we are thrilled about that.

The second key lever is sustaining and expanding innovation and reform. As I just mentioned, we are thrilled that we got \$700 million in this budget for Race to the Top. Let me just talk about Race to the Top for a minute.

The program accounts for less than 1 percent of annual education spending in this country, but it has spurred more change, more collaboration, and more positive and productive activity at the state and local levels than any program in history. Forty-eight states have worked together to create common college and career-ready standards. Forty, I think five states the number keeps changing, but I think 45 states have already adopted the common core standards. A total of 46 states have put together

comprehensive education reform plans. And over the course of the competition, 34 states changed their laws or policies to improve education.

That is an incredibly powerful for less than 1 percent of all annual spending on education in this country, we were able to help drive that kind of change. There's definitely controversy about Race to the Top. Some people love it; some people don't. There's not enough for everybody. There's a thousand things that we could talking about Race to the Top, but it is a key initiative for this administration. We think it is a driver of system and policy reform.

Innovation and reform, the other key, the key initiatives we got in this budget that we are really, really pleased with is we got an additional 150 million for i3 that Mary Jane just mentioned, which is Investing in Innovation. And it's really to scale up research, scale up and disseminate research-based practices. There's actually a rural carve-out in i3 that would give priority preference for rural communities to participate.

We also got an additional \$30 million for Promise Neighborhoods, which is a comprehensive community-based approach to cradle to career. It really builds in community supports, what are the community supports that are necessary to help improve outcomes for kids. And there is a specific absolute preference for tribes in this competition coming forward.

Our third priority is teachers and leaders. There is nothing more important than putting a great teacher in every classroom and a great leader in every school. Our 2012 budget and our ESEA proposal would support state and local reforms of systems for recruiting, preparing, supporting, rewarding, retaining effective teachers and school leaders.

I can talk a little bit. We have a couple of ways we're going to do it. We have asked for the budget for 2012, and as part of our reauthorization proposal money for teacher and leaders Pathways Program, to expand high quality traditional and alternative pathways into teaching with an emphasis on recruiting, preparing and placing promising teacher candidates in high-needs schools, which also includes rural, and in subjects and fields where they are highly needed. And low-income schools, of course, are high-needs schools as well.

There is also going to be we're asking for a set-aside to help prepare 10,000 new STEM teachers over the next two years. In addition, we have asked for a new presidential teaching fellows program that would award 10,000-dollar scholarships for the best students attending our most effective teacher prep programs who agree to work in high-needs schools.

We've asked for more resources to support our teacher and leader fund, which is our TIF, teacher incentive fund, which would support ambitious reforms to include innovative teacher evaluation and compensation systems, which are really without doubt, there's controversy to them, but we believe that when you have rigorous meaningful, comprehensive teacher and leader evaluation systems, you can inform at the local level the decisions that you need to make about where do you place teachers, how do you pay teachers, how do you recruit teachers, how do you retain teachers, tenure, dismissal.

Particularly in these budget times, we know that often decisions are made to lay off teachers that are not based on whether the teacher is particularly effective but recently hired. That's not going to be good for kids, right? So in showing that we have a meaningful teacher evaluation system in place is critical. And at the end of the day, it's really to ensure that there is equitable distribution of effective teachers. It's to improve teaching and learning and ensure that the best teachers are teaching where they're needed the most.

It's actually also to inform professional development, so I forgot that piece of it. But that is an absolute priority. It's actually written into the law, so my leaving it out was inadvertent. It's incredibly important, and it's actually one of the most important pieces of it.

Let's look at these evaluation systems.

Yes, Virginia.

MS. THOMAS: Michael, I just had a comment here –

MR. YUDIN: Sure.

MS. THOMAS: when you were talking about I will forget if I don't say it.

MR. YUDIN: No, of course.

MS. THOMAS: But in the state of Oklahoma, we're going through some radical changes within our public schools. I mean, as we sit here, schools are shutting down and consolidating, and the teachers are being laid off, exactly what you said, the last ones hired, the first ones gone. Especially if they're in a school where they're shutting down or consolidating, the tenured teachers are going to be moving back in.

So I agree with you. This is a problem, and we really need to solve it because we're going to lose these talented teachers, these teachers that have come through it. I know in the state of Oklahoma, it's going to be devastating to what's happening just within the Tulsa area where they're shutting down school after school and public hearings are happening. And it is I'm frightened to think what's going to happen to the size of our schools, the classroom, and with the teachers that we're going to be left with, and not having the opportunity to keep the teachers that are innovative and wanting to be in there.

MR. YUDIN: I appreciate that. Thank you.

Yes, sir?

MR. PHELPS: Michael, before you move forward, I applaud all the efforts that the administration of changes, but would still like the challenge to see within the Race to the Top, how many of those focus or have a Native American inclusion in them.

Do you know that?

MR. YUDIN: Well, so I don't know the answer to that question. We currently have 12 state grantees that have received Race to the Top monies. I can get that information for you; I just don't have it. But I will absolutely find it, to the extent it's available. What data I can get for you, I will absolutely get for you, and I'll make a note.

MS. LEONARD: Something else. Michael did speak about the set-aside for early childhood learning. While I've not seen the specific language, let me just tell you about the kind of work and activity that was done early on when there was an early childhood learning fund that was proposed but was not funded.

Lana and I specifically set with HHS in the early beginnings of that program, and there was a tribal set-aside that we talked about and that would be included. So one could only hope that that's going to carry forward in that set-aside for early childhood learning under Race to the Top.

I'm speaking out of turn here because I haven't seen anything in writing, but I know what the emphasis is in the Department on early childhood learning and including Native American young kids.

MR. PHELPS: Okay. Thank you.

MR. YUDIN: And just the reason why Jenelle hasn't seen the language is because Congress just passed it, and we haven't even begun to figure how we're going to do it, how it's going to work out. It is in partnership with HHS, however. The early learning component of the Race to the Top piece must be done in coordination with the Department of Health and Human Services.

MR. PHELPS: And please don't think that I don't appreciate all the work and efforts you have done, but I think it's our role on this committee to challenge you guys to look, because when we put one together in South Dakota, our BIE schools were not even eligible as partners. And so I know that only represents a small percentage, but in states with large land bases that have high Native enrollment, those are schools that need services, and we had to exclude them for the most part from our applications.

MR. YUDIN: No, I think that's critically important, and that is absolutely your job, your charge to make sure that we do that.

Yes, Debbie?

DR. JACKSON-DENNISON: Again, kind of similar to what Stacy is talking about, but as I understand Race to the Top and the last applications that went in, they went by states. And I know I've shared this already, but the state of Arizona waited until it was I believe it was March of last year when they finally came to the Arizona Impact Aid Association, which is comprised of superintendents of public schools. Because of the requirements of Race to the Top, including meeting the showing how on your application how you're going to meet the lowest performing schools, that just happened to be the Arizona Indian land schools. And so that's when they came to us.

So my thinking is that, again, in making a bold recommendation is that some of the if we're really going to address the needs of Indian Country in states like Arizona, where 80 to 90 percent of the

Native students attend the public schools, we can't be left off of that, because we know our state is not going to include us until the very last minute when the rules were defined as they were.

So I'm making a bold recommendation that either the tribes apply on behalf of the districts or school districts can apply that serve large numbers of Native American students. So that really needs to change in order for it to be equally distributed to schools that are really trying to make a significant impact on Indian education.

MR. YUDIN: Thank you for that, Debbie. And I just have a couple of comments to it. One is that we actually I think we mentioned this yesterday. We had actually asked for the authority to do a district wide competition for Race to the Top, but we needed statutory authority to do it, and we didn't get it. So, hopefully, in the next go-around, we will still do it because, as I think I said yesterday, the President has asked about it, has talked about it, having a district level competition. Secretary Duncan has certainly talked about it. So we're there with you.

The other thing I wanted to say is if NACIE wants to make recommendations to impact this Race to the Top competition, it's for FY '11, the money has to be spent by December 31st of this year. So the Department of Education is moving fast and furious. So if you have some recommendations to make with regards to this competition, do it today. I'm being a little facetious, but this money has to be spent by the end of December.

DR. JACKSON-DENNISON: That would be my recommendation, is that we let the large I mean, we looked at the data this morning that was shared with us. It's not new data to us, those of us that work in Indian education. We know it's there, but in reality, nothing's ever really done about it. And my particular state, they don't address it. And they wait till the very last minute, so it's here's a chance, an opportunity for either the tribe to apply on behalf of the school districts, or, again, including the BIE and grant school programs to apply for those fundings in consolidation for all schools that serve Indian children within that particular tribe to be able to as an LEA, instead of a state, to be able to apply for those funds. And that would really significantly make an impact rather than the state, depending on our states to do it, which there's a disconnect.

MR. YUDIN: So 50 percent and I may be mistaken, but I'll verify because I'm just not as familiar with the Department because it's not run out of our office, Race to the Top. But I believe that 50 percent of the state's money has to go down to districts.

So if I'm understanding what your recommendation would be is and then districts have to have the opportunity to participate. So 50 percent of the money has to flow down to districts, but districts have to have the opportunity. So one district can apply; all the districts can apply to the state to be participating. I think that's how it worked in Race to the Top, and I don't think it changes for this competition.

So if I'm understanding correctly, that it would be it is your recommendation that tribes would be allowed to participate because it's not in lieu of an LEA in a state's Race to the Top.

DR. JACKSON-DENNISON: Well, I'm thinking that this could be a springboard to the what was coming out of the consultations in that wanting tribal control over education, in the sense of forming, that would be one area that would really be improved was that it would give the ownership to the tribe as to what they're going to do to address the issues and the needs, the data that we saw, in comparison to allowing the state to do it because of course, I'm coming from the state of Arizona, which is really a huge state and has a large, large number of Native Americans. And it's not just Navajo but Apache and all these different tribes. So it would be up to the tribe to really whether it be them as a, I guess--

MR. YUDIN: So, actually, it's not in lieu of the districts; it's in lieu of the state?

DR. JACKSON-DENNISON: Yes.

MR. PHELPS: And I would expand that over to consortia of tribes within a region or a boundary because in some places, you might get more

MR. YUDIN: You need capacity, and you need scale.

MS. OATMAN WAK-WAK: Michael, I keep reflecting back to the whole process that did occur with i3 because a lot of this dialogue that's taking place is allowing us to look at how we want to transform some of these programs and some of the requirements of the states. I would even make the recommendation a step further that states that have 5 percent or more American Indian, Alaskan Native, Native Hawaiian student population, that states must conduct meaningful consultation with those tribal communities in the formation of the application, and then assurances similar to what happened here with the 20 nonprofit with i3 collaboration, that that collaboration language is also in there for the tribes; consultation in the development of the project and assurances that the tribes were meaningfully consulted in the development.

I'm not sure exactly right now what that kind of language would look like, but if we can make states or school districts and communities have to collaborate with nonprofits, I think that they must collaborate with tribes.

MS. THOMAS: Mr. Chair, this is Virginia. I think what we need to do is to consolidate the recommendations from Debbie and from Mary Jane into a formal motion and take it from there. So I will second their official motion.

MR. ACEVEDO: With all due respect, I think we have to tune the language a little bit, and we do have an opportunity here as soon as we finish lunch for those recommendations, and let's reserve that. But keep in mind and we do want those introduced. I think you've taken some notes on them, but we'll make it a formal council. Thank you.

MR. YUDIN: Okay. Two other areas that are levers, that we think are critical levers in reaching our north star at our 2020 first in the world by 2020. And that is college completion. The Pell grant program is the foundation of federal efforts to support both increased college access and completion for low-income students. It was a battle in the FY '11 budget and bloodied and coming out scathing, but we were actually able to maintain the maximum Pell grant at \$5500 a kid, which is great. That means over 9

million students will continue to receive their Pell grants. That's 3 million more since President Obama has taken office that are eligible to receive that Pell grant.

We also know that too many students who enroll in college drop out. One of the keys to that is actually one of the critical factors is actually college readiness. We talked about that for a minute, about the numbers of remedial courses that kids have to take. But we really, really need to focus on ensuring that we need a strong emphasis on attainment, and retention and attainment and completion of post-secondary education.

Finally, and certainly not least important, is our commitment to educationally-disadvantaged kids, and that is in the form of maintaining our commitment to our formula programs for students that are most at risk of educational failure, Title I, IDA, English language acquisition, Title VII, migrant ed, homeless, rural programs, and neglected and delinquent programs.

So those are kind of the key five levers. I want to talk a little bit more in detail about ESEA. Our proposal I'll do it briefly because I did it the last time we were here. If folks have questions, I'm happy to answer any questions you have, and then I just want to reserve a few minutes to kind of walk you through status and where we are with the reauthorization, to the best of my ability.

I think we all know that NCLB changed the conversation in this country. It started with the premise that every kid can learn. And I've said this over and over again over the course of since NCLB, actually. It actually required school systems to look at the achievement of every kid. It required school systems to disaggregate the data and the achievement data of kids.

That changed the conversation in this country. For better or worse, we now know how Native Americans kids are performing, and that's critically important information to have. And shining the spotlight and creating accountability systems that are designed by intent to close those achievement gaps.

I say intent because we know that there are some pretty critical failures of No Child Left Behind. It fails to recognize growth. One size does not fit all. Some argued that it narrowed the curriculum. It taught to the test, fill in the bubble tests. And in some instances, it really fueled a race to the bottom. There are punitive measures that are built into NCLB that really created a perverse incentive for states to lower their standards so they wouldn't be penalized for not meeting them. That's not a good thing for kids.

So first, we need to raise standards. We need to make sure that every kid graduates from high school ready to succeed in college and careers. Ready to succeed in college and that means in the first year of college as freshmen without the need for remediation. The states have taken the lead on this effort. Standards are a state issue. It's not a federal issue. These aren't federal standards, but the governors and the chiefs have taken the lead on this and really built an incredible two years ago, I never would have believed it in a million years that we would have 45 states adopting common college and career-ready standards.

The key moving forward is implementation. It's easy to kind of check a box and adopt it. How it actually is implemented down at the school level, that teachers actually understand what those standards are, have the professional development to truly understand college and career-ready standards, have the tools and the curricula to actually teach college and career-ready standards. Easy work adopting, and it's not that easy because common is an incredibly controversial issue. The hard work hasn't even begun on making sure that kids are actually taught to those standards.

We need valid reliable assessments that are actually aligned to college and career-ready standards. We don't have those. The Department awarded \$440 million in Race to the Top assessment competition to two state consortia to help develop the next generation of assessments.

This is really, really important work. This is the game changer. This is the opportunity to have assessments that are not only aligned to college and career-ready standards but can assess critical thinking skills that can inform teachers and parents and kids about what they are actually learning throughout the course of the school year, rather than a standardized test at the end of the day, it provides very, very little useful information to teachers. And that measure growth. We need to be able to measure growth. Right now, we cannot measure growth or many of our states' assessments can't measure growth. That's just again, that's the opposite of No Child Left Behind, so we need to move in that direction.

That leads me to our accountability system, fair, flexible and focused. Fair. As we all know, No Child Left Behind, if you didn't meet AYP by one kid or one subgroup or 30 subgroups, if you missed it by one point or how many points, it didn't matter, same penalties, same consequences. And again, it fails to measure growth.

A fifth grade teacher who has a kid that's reading at the second grade level, if that teacher can get that kid up to a fourth grade level, that is great work. That is great success. We need to be able to recognize that and reward it and embrace it. No Child Left Behind does not. Our proposal would do that. We would be able to measure growth, a system of accountability that actually recognizes and rewards success and holds us all accountable for the quality of education.

Flexible. Our proposal folks felt the Secretary and other members of the senior leadership went around the country talking to educators about what is critical. We've held our consultations. We've done a number of roundtables. We've received an enormous amount of information, and we need a more flexible approach from the federal level as to an accountability system.

Our approach would allow states to identify the top performers in the state, the highest performers in the state, but not only those at absolute performance, but those that are closing the achievement gaps, those schools that are actually making the most progress in closing achievement gaps. We want to be able to recognize those systems. We want to be able to reward them.

Yes, Virginia?

MS. THOMAS: I have another question or comment. I'm glad to hear all this. This is exciting, even though we don't look excited.

[Laughter.]

But it is exciting mainly because under the old group that we had, and we had consultation hearings that we had, I remember sitting there almost in tears listening to parents about their children being withdrawn out of the schools because of AYP, because they weren't meeting that. Instead of working with those children, they got rid of them so that they could bring the standard up. And that affected Indian Country so huge.

I think the changes that are coming about with the accountability now will make a positive change because that was the biggest complaint on all the consultations that we heard, that my child was withdrawn, was kicked out, was kicked aside because we weren't making it, instead of working with them, they got rid of the problem to make it look good.

So I'm really excited. So do I sound excited now?

MR. YUDIN: You do, you do. I can see it. I can feel it.

That's exactly right, Virginia, and that's what we're trying to fix. We want to reward the top performers. But you know what? For those school systems that are systemically failing our kids, that have been mired in dysfunction — by definition, our kids are not growing, are not achieving, and this is generations of kids — the Secretary and the President believe, you know what, enough is enough.

We're going to give you — at this point, we've provided \$4 billion in School Improvement Grant (SIG) monies to states to identify their lowest performing schools. And there definitely are some schools in Indian Country that are doing SIG; New Mexico, I think it's out in Gallup. I think there are some maybe Gallup. I'm not sure. I have to go back and check. But I know there's some schools in Indian Country that are participating in SIG.

These school systems have failed our kids. These are rigorous prescribed interventions. Enough is enough. If you give school systems the opportunity to — if you give them five options, and that's what like restructuring and corrective action did under — is it working? No, it's not. You give them one option to do the least amount of work, and that's what they're going to choose, nine times out of 10.

So we want you to focus on the bottom 5 percent. We want to focus on closing those achievement gaps, those schools with the largest achievement gaps. And the rest of the school systems in the country, we want you to measure, set performance targets for closing the achievement gaps, but you figure out what are the best interventions to close that achievement gap.

So that's the flexibility. At the top, we want to recognize and reward. At the bottom, we're going to be prescriptive and pretty hard edged. And you know what? That's all there is to it. You've had opportunities. These kids can't afford to wait four or five more years for another potential thing to

happen that hasn't so far. And the rest of the school systems, you develop a plan that will close the achievement gap. So that's our accountability system.

I'm going to stop here. I talked about teachers. Indian ed, just let me mention, as I mentioned before, our Title VII proposals would strengthen the formula and competitive grants by providing greater flexibility to use the funds for Native language immersion, language restoration and culture programs, helping develop specific tribal standards and assessments, recognizing and strengthening the role of tribal education departments, and importantly strengthening the role of parents in the design and implementation of the programs.

I want to get back to you, Sam, about the physical fitness.

[Laughter.]

I found out. In addition to our well-rounded education, which I talked a little bit about yesterday we want to make sure that the kids actually have access to a well-rounded education our secure and safe and healthy schools program would provide grantees with resources to develop and implement school climate needs assessment, to evaluate school engagement, school safety and school environment. The grantee, the states would then provide sub-grants to districts and partners to implement programs that are designed based on this needs assessment to improve school safety, promote physical and mental health and well-being, nutrition education and physical fitness.

MR. COOK: I think it's really important because, for example, my youngest boy Kaleb, he's borderline diabetic. In the sixth grade at North Middle School, they offer eight weeks of P.E., and that's it. Then he switched to other classes. So I think it's really critical that we have programs like that just because of these different issues a lot of our kids have. So being able to implement them is going to be really important. The afterschool programs and things that are so important for our kids.

MR. YUDIN: Absolutely. And we do, of course, have the 21st Century Afterschool Program, which will be maintained, which actually our proposal would also build in full service community schools, which would include health and nutrition and other elements of well-being as well. It's not focused on physical ed. That's why I didn't mention it, but it absolutely would include those types of programs and afterschool programs that are aligned to the curricula.

The way it would work is states would provide grants would go out to states. They would develop these needs assessments, and then provide competitive grants down to school districts to determine what it is those particular needs are to improve those areas.

MR. MCCracken: So in the spirit of intergovernmental partnerships, obviously, IHS probably has a lot of those statistics that will help assimilate the information across from the Department of Ed to the different organizations.

Is education really looking to partner with those other agencies to instead of trying to create your own data. That information is probably there.

MR. YUDIN: The answer is yes, I know we are. I am just probably not the best person to speak about it. But Don, who was here yesterday, has taken the lead in a number of these issues, but particularly with regards to interagency collaboration, and particularly with regards to Indian Country. So we have the Let's Move in Indian Country initiative, for example, and that's a cross-agency collaboration.

MR. MCCracken: So your hope is that Let's Move campaign driven by the First Lady -- and I'm very familiar with it because we're working very close with the development of that -- will work directly with the Department of Education which has the bigger --

MR. YUDIN: We are partners. We are officially partners in it. I've looked at documents. Dr. Melendez has signed off on documents that we are partners in this initiative.

MR. MCCracken: Okay. Because I want to be the voice of Robert Sun and those 6 to 8 percent of our Native youth -- 6 to 7 percent higher than the average population of our Native youth are pre-diabetic. I want people to look more like Robert and Stacy and less like me, right? And that's a call out just to me. But that's the issue because of the fact that I grew up in the system, right? And I want folks to give those kids an opportunity.

So I want to be the voice of those young kids who don't play sports that still need physical education, physical activity in their day-to-day life to make them be the whole person. So I don't mean to be a stickler on this. I know, Virginia, that's her kind of role with you, but I just want to be -- my little piece, to share that.

[Laughter.]

MR. YUDIN: I appreciate that. Thank you.

Dr. John?

DR. JOHN: I am in tune with Virginia. My heart is racing just because I realize that we are hitting these critical issues that our children are facing, specifically the NCLB, the challenges of developing culturally relevant standards. And in Alaska within the last 15 years, we've been developing Alaska Rural Systemic Initiative, where we are looking at educational framework from two directions, from indigenous point of view, from the Western academy, and trying to really work with the elder programs and communities and districts and university of where we're trying to develop this collaboration because we truly believe that the community is responsible for the children.

Culturally responsive standards that are in alignment with the state standards that we are charged with can be accomplished if we can put somebody that is responsible and has expertise in those areas at this level.

Looking at all this funding is really exciting because as the numbers show us, math and science, specifically in the diverse state of Alaska, is really hard hit for the children. And early childhood program, I think if we can think of a framework that is culturally responsive and thinks about 10, 20

years from now how is that framework going to look like, I am really excited that we are having this dialogue.

I truly hope that we can come up with a recommendation to put somebody in place that has that kind of background and expertise in being able to really find these connections in partnership between the communities' culture, the school culture, and the charges we are faced with from the academic culture.

MR. YUDIN: I appreciate that. Thank you. And I don't believe Alaska has actually adopted the common core. I think they're one of the states that has not adopted the common core.

MR. ACEVEDO: Michael, I don't know if you are available this afternoon or not, but we are moving into the lunch period, and we've got a tight window before we have to do our public comment period. And we can certainly I mean, this is an important discussion to carry on as part of our working session. I'm not sure what your schedule is.

MR. YUDIN: Yes. I definitely have some meetings I do have to go back to, but I will make it a priority to come back and spend as much time as I can this afternoon.

Can I just give you a two-minute update on status?

MR. ACEVEDO: Yes.

MR. YUDIN: I'll give you one minute. I don't know. No, it remains a priority. The President has pushed for it. The President has called for it and pushed for it. Secretary Duncan meets regularly, speaks regularly with leadership in both the House and the Senate, Republicans and Democrats, governors. We have to reauthorize this law.

The challenge is the calendar. The closer we get to a presidential election, the less likely that we are going to get it done. Education has historically been one of those issues that can rise above partisanship. It always has been able to. Let's hope it can as well. We are hopeful that we can reauthorize it, but it's critical that we do.

MR. ACEVEDO: Thank you, Michael.

With the Council's permission, we'll take a recess and come back at 12:45. Be prepared for our public comment session, and then go into our reports on the subcommittees and formalization, and then our working session. Thank you.

(Whereupon, at 12:05 p.m., a lunch recess was taken.)

NACIE PUBLIC COMMENTS

MR. ACEVEDO: I believe at this time, we only have one group that is signed for us, and that is TEDNA from Northern Cheyenne. So whoever the speaker or speakers are, if they could come forward. We

have two microphones. You can either use the podium, or you may use the one on the left. Welcome, gentlemen.

MR. ROMAN NOSE: Good afternoon. My name is Quinton Roman Nose. I'm the president of Tribal Education Departments National Assembly, also known as TEDNA. I'd like to present our co-presenters. I've got Greg Masten with Hoopa Valley Tribal Education Department, and Dr. Gloria Sly with the Cherokee Nation of Oklahoma Department of Education. And we're here today to talk about tribal education departments and the future of Indian education as it relates to tribes.

We just held a congressional briefing, TEDNA did, on the House side yesterday. We invited four tribes to present what their tribal education departments are doing. And let me tell you, this is the second one that we presented. Last year, we presented one on the Senate side, on the Senate committee on Indian affairs room. And every year that we do this, even as president of TEDNA, I always learn new things. And let me tell you, some of the tribes are just doing numerous things with their programs, how they're coordinating all their efforts to get the success of their Native students to where it needs to be.

What I'd like to do is I'm going to talk a little bit, and then I'll let Greg and Gloria say a few words about their tribal education departments and their viewpoints on what we're trying to do. Just real quickly, the tribal education departments, they've been authorized in two statutes, one in Department of Interior, one in Department of Education. They were to establish education departments. Unfortunately, they have never been funded for numerous years. The earliest one is 1988. It's been authorized every year, and every year it's been asked that it be funded, and it never has been funded.

Each of you come from tribal nations, and I think you-all have different experiences with your tribal education department. And I think we've progressed a long ways from the time where we just saw bureau education programs, and we put them together, and we said, hey, you're an education department. We've come a long ways from that point.

So now we're looking at different activities in which we coordinate all our activities toward our students and the youth. Our tribal members, some inside the reservation, some outside the area in different states, also include all Native Americans in that local area, their service area. And there are just numerous programs that are funded, both private, both nonprofit, governmental, across departments, Department of Interior, Department of Education, the Department of Justice. And so they've progressed a long ways.

The big picture, though, I would like to and since we have a whole hour, if I get going too long, cut me off because I tell you

MR. ACEVEDO: Be assured we will.

MR. ROMAN NOSE: Okay. Each of the states have a state education department, and there's 50 states. So how would the United States feel if only 60 percent of them were funded? How would they feel if

some of them didn't have education departments and some of them needed to be funded? What would the state of their education be in that particular state?

That's what you have in tribal nations, 560. Only about 60 percent of them have some form of an education department, so that's why we need the appropriation authorizations for those original two statutes that would give money to those tribes who need that effort, that extra push for education.

But then on the top end, on the other side, on the top end, those who have been in existence, who have been utilizing their services and resources to the best advantage, they're ready to move forward. They're ready to move forward to be an SEA-like organization.

There is a pilot program, a demonstration grant being talked about. It's TEA, tribal education agency. If you know what an LEA and SEA is, then a TEA would be something comparable that could work with both the LEAs and the SEAs in their particular region or state.

I think it's so important because tribes are doing all these peripheral services on the outside, but we're not on the inside. We don't have that data information. We don't affect how many Native Americans are recruited and hired in the school systems. We don't have the majority of school board membership on various school boards. But we do have most of our Native American students in public schools. Over 90 percent of them are in public schools.

So with that, I'd like to say I know you have a lot on your plate, but I really feel like the TEA pilot program is going to be a forerunner of something that could be really powerful for Indian tribal nations and how they affect their education for their students.

So with that, I'd like to give Greg and Gloria a chance to say a few words.

MR. MASTEN: Thank you. Greg Masten, education director for the Hoopa Valley tribe. For those of you that may not know us, we're a self-governance tribe located in northern California about an hour off of the coast. Our education department was established in 1976, and we've had to be very creative over the years to really be as involved in education as the system allows us. And we've had to forge a lot of partnerships and MOAs at the local area level and with the SEA and also with some of the local colleges.

Our education department for the most part spans the entire educational process, from preschool clear through to college, and we've been involved in developing curriculum. We've developed a criteria to and we submitted it to the state of California so that Hoopa language could be taught in the public schools on our reservation.

By the way, I should have mentioned that even though we are a reservation, we have a public school that operates in the middle of the reservation. And at times, that relationship is strained. It really just depends on the leadership. And to be very blunt, in the last six years, we've had four different superintendents. And one of our main elementaries has had I think we're on our sixth principal there. So there is a lot of instability, and any time you have instability, that definitely is going to have an effect on the educational outcomes of our children.

So we believe that we could provide a more stable environment for the children. We've been slowly developing our capacity. We still have a long way to go, but this TEA pilot project would definitely aid in our ability to better serve our tribal community. And in many cases, we are that link between the public education system and our tribal communities.

In most cases, when things go wrong at the schools, we're the people that they call. We're the ones that are meeting with the teachers or the principals or we're attending IEPs and really advocating and helping to educate the tribal community. And it goes both ways. We're also working to educate our community and our parents. So we provide different courses in parenting and how to guide and lead their children towards becoming more active learners.

So we definitely wholeheartedly support the TEA pilot project. I think that it also one of the things that I learned in the briefing yesterday is that the tribes are already bringing a lot to the table. Just in the room that we had there and between the four tribes that presented, I think we guesstimated that it was probably close to \$100 million that those tribes are putting into the education of their children, and we're just a very small number of the tribes that are out there.

So I think in difficult economic environments like we're in right now, that's just one more reason why we need to move forward with this kind of project because we'll be really leveraging our limited resources between the SEAs and the LEAs and the tribes. And the bottom line is we have the same goal. We want our children to succeed. We want them to be as prepared as possible, to be able to go out and live in both worlds.

With regard to I saw in your agenda that you are also going to be talking about Impact Aid later on. That's a real critical piece in our area at the local school district. We have within the local school district's policies what we call the Indian policies and procedures, and that's tied directly to the Impact Aid. And so through that, we make a number of recommendations. And that can include increased counseling support. We've got language and cultural curriculum in the schools, training for teachers.

But I want to say that the way language is written currently for Impact Aid, it doesn't have enough teeth to it. So right now, we're making recommendations. And, again, depending on the administration, sometimes they're adhered to and sometimes they're not. And, in fact, about three years ago, we pretty well had to threaten legal action before the school district would come back to the board. And I know that in talking with a number of tribes, we're not the only ones in that situation.

So I definitely if you have any input regarding that Impact Aid, the funding needs to be it needs to have more teeth to it. And then that also includes Title VII, I think is another area where in our situation, it would be applicable that the tribe should be able to be more involved with the funding, at least oversight of it. And then the – and, actually, possibly even Title III and maybe even a little bit of Title I.

I think we need to expand our thinking when we're talking about Indian education. We're still very segmented, and usually they're thinking of Title VII. And we really need to look at if we're talking about education and the delivery of education to our children, why can't it include these other titles,

and why can't we involve one of the named partners in the delivery of that education, which would be the tribal education departments.

So I think Quinton said a lot, so I'm going to end there. So thank you for your time.

DR. SLY: Good afternoon. Thank you for the opportunity to speak. My name is Gloria Sly, Cherokee Nation. I'm the government relations officer there at this time for the education services, not for the whole tribe.

I have given you this little handout. It's an information sheet. It says, "What is a tribal education department agency? What does it do?" And then on the back, there's a description of the tribal education agency pilot project that's been proposed to the Department of Ed.

Cherokee Nation is a self-governance tribe. Our jurisdictional area in Oklahoma covers nine counties and portions of six others. We have approximately 120,000 citizens there, and we administer in education a budget this year of \$54 million. That is Head Start, Early Head Start, JOM, Learn and Serve, then our college resources. It does not include the Job Corps that we contract for nor does it include our vocational two-year programs and training programs.

So I mentioned these to tell you and let you know about our capacity to be able to be a tribal educational agency, to handle all the projects that a TEA would need to handle. In our region, Chief Smith's three initiatives are jobs, community and language, and education undergirds every one of those initiatives.

In order to achieve and bring in jobs, number one, get our people ready; number two, to bring in jobs that are not just minimum wage jobs, we need to have education. We need teacher training. We need our students to have the best education they can, which is what we're looking at. In order to make our community stronger, we really need to get them educated about their opportunities and things that they can do.

Our language, as you've heard, several times, we have an immersion school. We have Sequoyah schools, and Sequoyah when we contracted it in the mid-80s, it was not making adequate yearly progress. It was a school of last resort there in northeastern Oklahoma for Indian children. Today, it is the school of choice. We have to turn away approximately 200 students every year. We only can enroll the number because we have 400 students going to school at Sequoyah High School. Last year, we had a graduating class of 86. They earned \$3.5 million in different like Gates scholarships and things like that. The class this year has set an even higher goal.

So we feel that we have achieved a lot and have a lot more to achieve, especially if we're going to do economic development and work with our language, and have our history, culture, those issues put into our classrooms. And we're working with the regional university in our area to develop the kind of training that administrators and teachers say that they're going to need to meet some of the training and the new common core coming down the pipeline. In Oklahoma, we have to meet those in 2014.

We're working with the state department. We're developing a relationship with our new secretary of education to partner more strongly with them. We're doing regional planning with all the schools, universities. We've got three colleges involved and the regional university. We have businesses that are getting involved just to build up that 17-county area in northeastern Oklahoma.

So those are just a few of our initiatives and some of the things that we have going. I'm going to leave these. And we have some supporting documents from other tribes about the reauthorization of ESEA and the tribal ed departments. This booklet outlines the programs so that I think there were five tribes that submitted documentation to be included in this report. Cherokee Nation is one of them. So we'll be leaving that for your information, also. Thank you.

MR. ACEVEDO: Dr. Sly, those will be made part of the record. Thank you.

DR. SLY: Thank you.

MR. ROMAN NOSE: I think we can make available digital copies of that report to everybody on the board, also. She left out and I said we learned new things every time they come present. You may have heard on the news that you can Google in Cherokee in the syllabary, right? I don't know if you heard that, you can do that. And what was really interesting yesterday, she said that using the messaging on your iPhone, she thought that the younger people were going to do that. She found out that the older people were actually using the iPhone to chat back and forth with each other using the Cherokee syllabary. So to me, that was really mind-blowing that something each tribe could probably do in the future, given their ability and capacity.

I would like to really thank you, and I know you've got a really tough job. I know that you don't often meet as much as you would like to, and I know there probably would have been a lot more people presenting if there was probably more advanced notice than the three weeks given. So I know that you do have your limitations and so forth as the NACIE committee. But I congratulate you on being on the board and putting forth your efforts.

One final thing that I'd like to speak to and we at TEDNA have been addressing this for years, I wish there was I wish I could say every tribe could actually get on a computer, database, Excel spreadsheet, press a button and, poof, they'd be able to get their tribal dropout rate for all their tribal members regardless of where they're located.

Now, is that possible? Maybe a handful of tribes are able to do that. Usually, they're small where they can get that information, but the old saying, you can't keep someone down on the farm. Well, you can't keep someone down on the reservation because all our tribal members are moving all over the nation, even all over the world now.

So tribal nations, they take responsibility for the education of their members regardless of the location and regardless if they change states. So in order to that, we need good data collection. We need access to that information, and that brings forth the FERPA issue.

All we need is a technical amendment to the FERPA law to put tribes in there as one of the entities to receive that information. There's so many ways that we need to use data. We need to share data. We need to make our decisions on data collection analysis of that data. Students who live on or near reservations who go back and forth to BIA, they'll say I'm leaving public school to go to BIA. They stay there a few weeks, they leave and they come back, and no one ever knows they're there. So we've lost many students because we don't have the access to data.

These agencies all have them, but they don't share them with each other. Now, who should be the center point for data collection for students, it should be the tribal nations. So with that, thank you very much.

MR. ACEVEDO: Thank you.

Questions from members of the Council?

You can't quite get away yet. First of all, thank you all for presenting to us, and we appreciate the fact that you've been here, coming here today for us.

Questions?

MR. PHELPS: I have a question. Hi, I'm Stacy Phelps. I'm from South Dakota, and I sit on the state board of education there, so there's a lot of discussion around this conversation. So when you talk about a pilot project, so does that mean any tribe will be eligible once the ESEA is authorized to apply under that whether they get funds or not?

MR. ROMAN NOSE: From what I understand in the discussion, this would be a very small, probably single digit number of tribes. Yes, they're all eligible, but there's going to be criteria. I would imagine you'd have to share experience, how long has your education department been established, what's your fiscal responsibility, how well have you done with your previous programs, what's your relationship with the LEA, what's your relationship with the SEA.

It's not something that we're just going to come in and force some SEAs and LEAs. So I think that's a good strategy that they go piecemeal with this pilot program. It's not going to take all the titles and put them under the tribe. There's probably going to be selected titles, selected LEAs, selected SEAs that they're going to work with.

MR. PHELPS: So in that same response, once the law is passed, if I'm a tribe who doesn't get a pilot, would the law exclude me from going to my state and trying to do this? Do you understand my question?

MR. ROMAN NOSE: In accordance with the law, yes, it would exclude you. Now, if you had the cooperation of the LEA and the SEA, I don't think you would really need this law. But ultimately and realistically, a lot of LEAs and the SEAs don't cooperate and don't have that partnerships with tribes, and rightfully so. Tribes, sometimes the circumstances cause the relationship.

MR. PHELPS: In this one, you talk about within geographic boundaries or close to. Have you been able to define that or is there a set mileage?

MR. ROMAN NOSE: Just when we think we have a good definition, someone else brings up another scenario that doesn't fit. And I think depending on the region, the state, the tribe's history, the federal law, so there's really no one size fits all. It's going to have to be based on where they're located at, what is their history, under what laws do they fall under federally. I know the tribes in Oklahoma, they have their own separate laws that other states don't have. So a lot of that has to be considered. And so that's why we're going to move forward slowly with this.

MR. PHELPS: And I'm only asking these questions because you guys are the experts, and we're getting asked these questions already because we work in Indian Ed. And Dana is one of our people out there and stuff.

So in terms of so if I'm in Rapid City public schools, and there's Robert probably knows a better breakdown of how many tribal members from the different South Dakota tribes are up there. There's probably about six or seven tribes represented that have large enrollments in Rapid City?

MR. COOK: Probably.

MR. PHELPS: So under this where school districts or LEAs would have to create cooperative agreements for the citizens or students from that tribe in that school, so will that school have to go to every tribe that has a

MR. ROMAN NOSE: Well, it would be the local tribe, and I'm sure there's multiple in Oklahoma, there's situations like that where there are some tribes that are real close together. So they'd probably have to be either a cooperative agreement to become a TEA among those tribes or a single lead tribe to become a TEA. On a newer reservation, it really hasn't been defined, and that's one reason for this pilot program, to see how it works.

MR. PHELPS: So I'm trying not to I'm going to get asked these questions, so I want to be able to answer them.

MR. ROMAN NOSE: Sure.

MR. PHELPS: So in Rapid or Pierre or in Lyman, because they're kind of geographically centered around large reservations, Cheyenne River, Pine Ridge, Rosebud, so would that state LEA have to go each of those? Because I know Pine Ridge and Rosebud both have fairly strong tribal ed departments to get qualified

MR. ROMAN NOSE: Without knowing your region and how close you are and what the relationship, I really couldn't answer. But those are the kind of questions that are being asked in other parts of the state. I know in Oklahoma it's complicated, also.

So I think the--if the pilot goes well, it's probably going to go in increments. So like we say, we definitely need to find an LEA that's cooperative along with an SEA and along with a tribe. And if the tribe wants to apply for it and those issues can be addressed in the application process, then they've got as good a chance as anybody.

I think those questions need to be asked, and they need to be answered. And I wish I could give you definite concrete answers, and I can't. But I think the big picture is that we do need tribal input on public schools for Native American students.

MR. PHELPS: Oh, absolutely.

MR. ROMAN NOSE: So this is just one way to make it happen.

MR. PHELPS: So if this does go through in the ESEA as it's currently wrote, who establishes that criteria to select the pilot sites?

MR. ROMAN NOSE: Department of Education.

MR. PHELPS: So it'll fall onto their shoulders to answer all these questions from school districts who so will you guys be providing guidance to that or I mean, well, TEDNA, would you guys be

MR. ROMAN NOSE: Yes, I'm sure they would open it up to have all the a comment period just like they would do with everybody and probably have meetings because this is not an easy thing to do.

If you can imagine years ago, if you're old enough to remember when the 638 process was coming about, there were many questions like this. "Well, what if a tribe is in this situation and how are they going to do this? Those tribes who are in multiple tribal agencies, how can they split up the money?" And so, yes, there's all kinds of questions, but 638 actually evolved into self-governance now, which is operating fairly well.

So we're at the beginning point of this, and I wish I could give you definite answers. But I would encourage your Indian ed person at the state level to keep in contact. So as soon as we hear, everybody's going to hear, too. So it's not like we've got some secret formula that we're not divulging because that's not the case. All we're trying to do is find the right combination of factors that's going to make this a success.

MR. PHELPS: So in all likelihood, is it fair to say that this probably won't be applicable to all tribes?

MR. ROMAN NOSE: Depending on how it's written, it may not be because

MR. PHELPS: Well, it's already wrote, though, right? I mean, it's already in the laws, the ESEA, no?

MR. ROMAN NOSE: No.

MR. PHELPS: The establishment of TEDs and TEAs is not in the new authorization?

MS. LEONARD: (Off microphone.)

MR. PHELPS: But I mean how it's written is already proposed?

MS. LEONARD: Thank you. Now, what were you saying, Stacy?

MR. PHELPS: No. I said we keep referring to how it's written, but the authorizing language has already been wrote into ESEA?

MS. LEONARD: No, and, in fact, let me just tell you. Even that that Michael presented, all of this has been proposed, but the legislative language has not been written. In fact, that's what's happening in the Department as we speak. But everything that has been proposed, there are lawyers who are writing the language. And, occasionally, we get requests to go to the Hill to have to talk through what may be some of the Hill's concerns, what may be some of Quinton has been brought in to just kind of talk through it, but nothing has been no legislation has been formally written and sent to Congress on this, just the proposal to address this; but the details have not been really defined yet.

MR. PHELPS: So there's a line in the ESEA that establishes a \$25 million pilot projects for TEDs and TEAs?

MS. LEONARD: I don't even know that there's dollars associated with

[Crosstalk.]

MS. LEONARD: Right.

MR. PHELPS: I'm envisioning, we have very aggressive tribes in South Dakota, and I'm sure everybody does. So if I'm a tribe in South Dakota and this language of some sort gets passed, if it's on the books, I could, in theory as a tribe, force the implementation of that law, though, right? I could go to my state and say, hey, it's on the books, you have to follow it, we want to pull our Title funding for our kids.

MS. LEONARD: Right. Well, it would and, Quinton, don't let me put words in your mouth. But it would pass if the law was passed, it would be very much like what's on the books, like No Child Left Behind. And then I think the way that this is written is that the pilot would have TEDNAs apply for it, and then there would be some the way we do discretionary grants, and then there would be some based on the application, eight would be selected to eight is in my head because that was one of the numbers that I heard. But eight would be selected to pilot the program, but it would be open for applications for any TEDNA to apply for is my understanding.

MR. PHELPS: But if you wanted to fund it yourself as a tribe, you could?

MS. LEONARD: No.

MR. PHELPS: No, you couldn't?

MS. LEONARD: You couldn't because you're coming through the federal government to apply for the pilot, to be a part of the pilot.

MR. PHELPS: So if you're not a pilot, you can't form a TED and TEA and try to go to your state to get pilot funds?

MS. LEONARD: No, I'm thinking not.

MR. PHELPS: Okay.

MR. MASTEN: And can I just make a few comments, too, regarding this?

We really are kind of in education, it's new ground, so we want to do it carefully, and we want to calculate the steps. But one of the questions that has come up is this question of capacity. And it is going to be different for each tribe. Some of them have been more established. Some of them, depending on their history and their geographic location or they might have different focuses or even different goals regarding education.

But in terms of capacity, one of the things that we brought up yesterday is that self-determination really has been driving us to this point for many, many years. And, to me, it's one of the earmarks of a tribe really becoming self-sustaining. And so it is going there are going to be some difficult questions that we're going to have to wade through, but the intent, my understanding of the intent, is that it will start off with primarily on reservation lands that are serving primarily Native American students. And then from there, as a pilot project, we'll have to kind of see where it goes.

But we've already gone down this road many times in other areas. You look at housing, you look at healthcare, you look at all these things that in Indian Country we've kind of developed over the years and maybe even take for granted now. And so now education is the next thing that I believe is going to help us to empower our tribal nations.

MR. PHELPS: And my last parting comment is and I'm asking the questions from the exact vantage point you said, to establish a law saying tribes should be engaged in their educational process, but to select criteria that picks and chooses which tribes can be involved is almost against the idea of tribal sovereignty. If you establish a 638 contract law, nobody said that only this tribe, this tribe and this tribe are ready and eligible.

I mean, the very definition of tribal sovereignty is to be able to make decisions for your citizens using the mechanisms that are in place. And so I'm just really concerned that if we pass a law and then put a bunch of restrictions on it, it's almost counterproductive to tribal sovereignty.

MR. MASTEN: Well, and I would say that when you look at tribal sovereignty and even the self-determination movement so we're a self-governance tribe. And correct me if I'm wrong, but I was told we're one of the original self-governance tribes. And that's how that whole movement began. It started with tribes that were ready to move in that direction. And then they had to basically prove themselves. They had to show that we can govern our own affairs based on those compacts that they'd negotiated.

So similarly, when you're looking at tribal education and tribal education departments, they really are all over the road. And in the meetings that I have been involved in, it's really been more about helping them to develop their capacity and starting you got to start somewhere. Anytime you're moving somewhere, you have to start somewhere. And the intent is not to exclude anybody, but anytime you're talking about a pilot project or a demonstration grant or anything, that's kind of the nature of it. But in the big picture, where is it going to take Indian education overall? And I think that there's it's definitely where we need to continue to move.

I don't want to take away from Quinton here. If he wants to--

MR. ACEVEDO: Debbie, go ahead.

DR. JACKSON-DENNISON: Thank you. I think my question has pretty much been answered. I was kind of wondering who are the as you're establishing the idea, you kind of know already who are the tribes that are ready for this and who aren't.

Just a little bit of insight on one of the points that was made and it's also in the TEDNA handout, I come from a public school district within an Indian nation, and we serve probably maybe 95 percent of the community students in Window Rock. And just a little idea about some of the I'm very much in support of tribal control, Indian control, but from the public school sector, there's a fear there of letting loose of letting the tribe run it, because, in a sense, there's a lot of mismanagement that happens.

So I guess that's what's meant by capacity building. That's where that lack of trust is. It's coming from the public school sector back to the tribe, and it's very difficult to let go because we look at other programs that the funding went through the tribe, and we see a lot of how much goes to it becomes an employment agency, let alone the Impact Aid funding coming directly to the school system.

So that's where some of the just to let you know from my point of view, where we hear some of the concerns from school superintendents that I believe we have nine to 11 large school districts in Arizona that receive direct Impact Aid funding. And then when you look at our neighboring state, New Mexico, that's where a big issue is, when the state gets the funding, and they it's a very unequal. Even though it's called equalized, it's very unequal. And so our Indian children are being cheated in a sense there in New Mexico.

So that's just a little bit of insight from the public school sector, looking at the department of eds being formed. I'm all for it, but there's that fear out there that you need to be aware of that exists from the public school administrators that don't trust.

MR. MASTEN: And that's why as part of this project, it's going to be so critical and crucial to establish it's really going to have to be a collaborative, a cooperation between the two organizations. And as I said before, the tribes are already putting significant funding into education.

So when we're talking about this movement, it's not as though we're talking about doing it not as good. We're talking about the tribes have to meet that criteria. The education code is the education code, and if they don't meet it, then they're going to have to work to a place where they can meet it.

But it's only going to be through open dialogue that I think we're going to establish that trust between the two groups.

Right now, the law doesn't recognize tribal education departments. It recognizes SEAs, and it recognizes LEAs. But it doesn't recognize TEAs, or what we call TEDs, tribal education departments. And there are a number of them out there. So this would create, I really feel, a good platform to, number one, start that discussion, and then, number two, really get into the work and look at how can we be involved.

It's going to be different depending on the tribe and depending on their capacity. Some of them may only take on one or two elements of the responsibilities that SEAs are currently doing. So it may be just that they want to be more involved in curriculum development. It could be more in terms of the standardized tests or professional development, teacher training, fiscal responsibility. I can't speak for all the tribes. But it's going to be I think one step at a time.

DR. JOHN: I would like clarification specifically on terminology on tribal. In Alaska, we have we don't have reservations, but we do have tribal organizations that are nonprofit. And some of the villages are formally recognized by constitution as tribes but not all villages, so I would like that clarification.

MR. ROMAN NOSE: I think that is one area we need to address. I'm very much aware of Alaska has, what is it, 250 federally-recognized tribes. So that's one unique situation, and I do know other factors go into the Alaska situation. So that needs to be worked at; a lot of work to be done.

I want to address what you were talking about, self-determination. You've got to understand, self-determination started with Department of Interior, Bureau of Indian Affairs, as the lead agency, the lead department for tribal sovereignty, federal trust relationship. And it wasn't until the Obama administration who put forth other departments with that responsibility to have tribal consultations.

So I think this TEA concept is actually something that the Department of Education has moved forth with self-determination. So even though tribes get certain things, and the Interior and BIA, it's a whole new ballgame when you go to different departments, and how they're structured and how they operate.

Let me tell you. I worked for a tribe. The first time I worked for them, and politics got me, and I swear I'd never go back to that tribe again. So I know but let me tell you, if we're going to look at the future of our tribal nations, we've got to step forward. We've got to be an equal partner in the education of our children along with the federal and the state governments. If we don't, we're always going to be the stepchild, and someone else is always going to be doing what they think is right for us without us stepping forward and saying this is what we believe. We have the right to the education of our members regardless of where they're at, whether it's BIA or federally funded or public education.

So unless we choose to step forward and say this is what we need to do, we're always going to have the same results. Look at the data. I mean, we do the same thing over and over again, getting the same results. This is something that's really going to change.

MR. ACEVEDO: Mary Jane?

MS. OATMAN-WAK WAK: I appreciate Stacy bringing up the concerns that he did because there's some things that I've heard out in the field and addressed, but I think the Indian Country overwhelmingly has come to the consensus that other forms of education have persistently underperformed for our children, and it's time to look at things from a new perspective.

It was Wilma Mankiller who said, "Whoever controls the education of our children controls our futures." And when we see a lack of reflection of our tribal histories in our curriculum, a lack of appropriate education on the trust responsibility, our young people are not being afforded an appropriate education, our children, our Native children specifically. And I think that all children in the country should be able to not should be able to. They should be required to learn about that trust responsibility because 2, 300 years down the road, those are going to be young leaders that are in Congress. And if they don't have that background knowledge and understanding of that legal relationship, our future is definitely in jeopardy. And I see this as being a vehicle or a mechanism so that we can start to establish that kind of opportunity for our tribes.

I'm just going to speak specifically to a situation that we had in Idaho. The state of Idaho was ineligible to apply for the High School Graduation Initiative because we lacked appropriate longitudinal data. We're still looking at implementing our longitudinal data system as a state. The Coeur d'Alene tribe has had a pipeline for several years.

The local public school district could not tell you what their grade cohort graduation from eighth grade on into high school was like. The Coeur d'Alene tribe could tell you that three of those children died in a car accident, two of them dropped out of school because they were pregnant, three of them have left the community to move out of the community. They knew not only where their children are but other Indian children from other tribes that lived within their community, where they were, what the status of them were.

So I see that this is going to be, again, an opportunity, but also, again, echoing some of the concerns that was brought up, the perception from tribes, that these tribes that would be receiving the opportunity to apply already have the capacity. And so is it building further capacity for assessment, development and those kind of things? Because that's really what I envision, is that many of these tribes that are operating fully functional tribal education departments are missing certain components that would classify them as a tribal education department.

So maybe a little bit of clarification because I see the direction that this is going, that when tribes don't have the resources to develop their assessments and curriculum and those kinds of things, then there's disconnects.

MR. ROMAN NOSE: I think just like any state, you can't take one SEA and say every state has the same components. Every state is a little bit different, and the same way with tribes. But certainly, those basic needs of a TEA, SEA-like organization need to be met first, and then depending on what the needs are of the tribe, then they can be expanded. But, yes, it's a long journey. It's a very long journey.

DR. SLY: And that's a good question because in the past authorizations, the language stated that there was money to build infrastructure for tribes. That needs to be included in this one, too, that they can do that because tribes need data. For our tribe, we would love to have data on grades, how they're doing class by class. We wouldn't even need to know the names, but we need to synchronize all of our programs, Head Start, JOM, Learn and Serve. Everybody needs to be supporting the same goal.

Now we don't know what they're contributing. We do know that they all have to have a project that addressed language, community and jobs. But where are they being really coordinated and built in there. And how can we address programs and develop programs that really meet the children's needs if we don't know where those are, then have the data to say, oh, this third grade in this school is very weak in reading. We need to put our resources in reading. This high school doesn't have maybe a physics teacher. We need a physics teacher over here because these children have no opportunity to Oklahoma, we have the Oklahoma scholars, and you have to have physics in order to qualify for that program. Well, out of the 108 schools in our service area, in just the five-county area that we're in, 11 schools didn't even have physics. So none of the children, not Cherokee, none of the non-Cherokee students had even an opportunity to qualify for that scholarship.

We have been working with those schools, purchasing physics kits and chemistry kits and whatever they might need to give these science and math skilled areas and provide we don't provide teachers. We expect the schools to do that, but we provide them with a lot of other things, plus incentives.

MR. ACEVEDO: Any other questions of our presenters?

MR. COOK: I think this is really important because many of our tribes really struggle to maintain their tribal education departments. For example, in Pine Ridge, we lack the infrastructure or the revenue to fund our tribal education department. So the tribe initiated this right-to-work fee, and they collect 1 percent from the tribal employees to be able to fund the tribal education department, which is always really hard to do because a lot of times the general fund takes the money or they struggle. So we've had up and down TEDs being able.

But we have such a variety of education programs in our reservation. We have parochial schools. We have public schools on the reservation. We have grant schools. We have BIE-operated schools. And I envision the TED being able to work to have those schools work in collaboration with each other because right now, it's just not happening. And I'd like to see the empowerment of our tribe being able to assume that responsibility of being empowered to be self-determined.

When you look at our history, our tribes have really been in control of our education programs since the '70s. Our tribes don't trust the public schools in our state. We see more problems within our public schools helping our Indian kids, like in Rapid City and some of these others. And when the kids drop out, they say, well, it's the tribe's responsibility, or they probably went back to the schools and enrolled in Pine Ridge. But when you track them, we know that they dropped out, and they got lost in the system; that, too.

So I'm in full support of the tribal education departments and the need for them to be within the authorization, and the need for them to be funded, and also the need to have this model project so these tribes can be empowered to go out there and develop those best practices and be able to showcase them on how other tribes can replicate what they're doing in order to be successful for our kids, because this is what it's all about. We want to empower our tribes. We want to be in control of our curriculum and what we want our children to be. Only we know what needs are in the community, and our TEDs can help us to get to that point.

MR. ACEVEDO: Any other questions?

[No response.]

Thank you very much for coming in. Thank you so much.

What I'd like to do now, we're going to do our working session. We're going to close the public comment period. There were no other people that signed in or groups. With your agreement, we'll take a 10 minute break and go into our working session. So if we come back at 5 after 2:00, we'll start. Thanks.

(Whereupon, a recess was taken.)

NACIE WORKING SESSION

MR. ACEVEDO: Welcome back, everybody. Let's start our afternoon working session. Let's deal with some housekeeping issues to begin with. You have in front of you two documents. The first one you have is the draft transcript. There are some changes to be made. Some of you have noted that certain comments that were attributed to one person actually were said by another person. If you're going to have comments and make changes, take the book with you or, no. We're going to pack it up for you, get it to you in three days, give you till the 29th to get your comments back on that transcript, and then that will be our final document.

The other thing I'd like you to take action now, if you would, is you have before you the closed meeting report. I think I have a technical question to ask maybe of Karen. It was pointed to me that of ED staff present, Secretary Duncan was mentioned.

Does his video count as being present?

[Laughter.]

So that should be removed from the final that we approve?

MS. AKINS: Yes, that's correct. I mean, we can mention it in the is it not mentioned anywhere in the transcript?

MR. ACEVEDO: Dr. Melendez was here, and she's not referenced.

MS. AKINS: That's right. She was. Was that during the orientation though? That was the premium, so we don't have to mention that in our official record for the public review. That's what this is for, yes.

[Comment off microphone.]

MS. AKINS: No, if you wanted to mention it somewhere in there, it's up to you, yes, absolutely.

MR. ACEVEDO: All right.

So with that correction of the removal of Secretary Duncan's name from the document, and the inclusion, where appropriate in here, that Dr. Melendez attended our meeting, I'll ask for a motion to approve the closed meeting report.

Sorry. Go ahead.

MS. LEONARD: Michael just pointed out to me that he clearly got a raise and a promotion since he's listed as deputy secretary. He is deputy assistant secretary.

MR. YUDIN: That's a very big difference.

[Laughter.]

MR. PHELPS: Michael, you could have took this and went next door and said, guys, look, it's in writing, where's the pay?

MS. OATMAN-WAK WAK: We know that it's not the pay that would be enticing to you but the authority.

MR. YUDIN: It's all about the authority, right?

MR. ACEVEDO: All right. We need action.

MS. SPOTTED BEAR: I move for approval of those minutes.

MR. ACEVEDO: Moved by Alyce. Is there a second?

MR. PHELPS: Second.

MR. ACEVEDO: Second by Stacy.

Any further discussion?

There being none, call for the question.

All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

MR. ACEVEDO: Those opposed, same sign?

[No response.]

There being none, the motion is passed.

DR. RAY: Mr. Chair, a question. Would it be possible to get this approved report in electronic form for the report subcommittee? We could take the language directly out as needed.

MS. LEONARD: Yes.

DR. RAY: Good. Thank you. If you'd e-mail that to me, I'd appreciate it.

MR. ACEVEDO: I just want again to reiterate one more time that the draft transcript will be out to you in three days or less, and get your comments back by the 29th on changes to the draft transcript. Thank you.

Let's go to the subcommittees. What we need actually is -- I'm looking to Karen. Is it formal adoption of the subcommittees by the full council?

MS. AKINS: Yes, Mr. Chairman, and I would recommend, if it's okay with you, that we have each subcommittee kind of briefly describe what they envision their subcommittee is going to do, maybe each person that proposes to be the chair. And then from there, if the Council could discuss and then take it from there.

MR. ACEVEDO: Thank you.

Let's start then with the annual reports and charter review. Alan is the subcommittee designee chair. Robin Butterfield, Alyce Spotted Bear and Stacy Phelps are the other members of the subcommittee.

Alan?

DR. RAY: Yes. As I envision it, the subcommittee will be responsible for preparing the draft annual report, circulating it to members for their approval. We also have charter in our name. We would also recommend any actions to ensure the reauthorization of the charter, which comes up in two years. And if there are particular recommendations regarding revision of the charter, we would also both receive those comments from members and generate them on our own, and circulate them to the full committee for action, probably at another meeting.

MR. ACEVEDO: Bylaws and vacancies, I know Virginia has had to step away. So Mary Jane, it falls to you or Greg, and Greg is out of the room so you are definitely there.

MS. OATMAN-WAK WAK: Where to start? I think it's pretty self-explanatory as far as the role of the committee and the revision of the bylaws. There's a pretty good draft in place for you folks' review and final approval, but there's after that work, I don't foresee that there's going to be a lot more continued work on the bylaw committee. So I'm sure that we'll be able to assist in other committee areas, if that's

allowed, if we're not named committee members just as a support because the bylaw development work has been completed in a draft form.

MS. AKINS: Mr. Chairman, if I might ask Mary Jane just to be clear. So for the bylaws, does the subcommittee in turn then wish for and I don't know how this is going to work process-wise, Jenelle and Michael. Would you want those adopted by the Department and signed or do you just really envision those bylaws are going to help the Council more procedural or I haven't seen them so that's why I'm asking.

MS. OATMAN-WAK WAK: Procedural bylaws for the Council, not for adoption.

MS. AKINS: Okay. Thank you.

MS. OATMAN-WAK WAK: And you might want to concur with because we did not address that specific question as far as the role of the Department of Ed in our bylaws. So I would defer that question to Virginia when she comes back as far as the approval or adoption process and the intent of the bylaws with the Department of Ed.

MS. AKINS: Okay. Thank you. Let me just say, too, going back to Dr. Ray for the charter.

Dr. Ray, I don't know. Our precedent for the Department is that and by law, because of the Federal Advisory Committee Act, we do have to update the charter every two years prior to the expiration date. But, typically, the Department takes the lead on that, especially in the case of NACIE since everything is already laid out. I guess the things that perhaps the subcommittee could help with is maybe recommendations on things like the funding or maybe staffing; some of our committees have done. But pretty much, the rest of it would be straightforward. So I don't know if there would be much more that you could do on that.

DR. RAY: So you would invite recommendations on things like funding and staffing; is that correct?

MS. AKINS: The things that we could change, right, because everything else is already laid out in the statute in that we just make sure that we follow the law by making sure that we have the charter updated prior to the expiration date.

DR. RAY: Right. And when would you expect any word from us?

MS. AKINS: In terms of the charter?

DR. RAY: Any input we have for you, given that it expires on October 28th, when would you like that from us?

MS. AKINS: I need to go back and look at all the other ones I'm going on, but typically, we try to start that

DR. RAY: I'm not pressing you here on this.

MS. AKINS: No, I understand.

DR. RAY: But since we're talking on the subject of the charter.

MS. AKINS: Right.

DR. RAY: It really hasn't been much of a focus of our work, and, Lord knows, we're not looking for additional duties on this one. But we were just trying to get a -- to be serious, we're simply looking for an understanding of what our role would be in the charter.

MS. AKINS: Understood. And to be honest, I'd like to go back to our general counsel's office and just ask them a couple of questions. But, in general, the internal process, all the hoops, so to speak, that we have to jump through to get these charters done, we usually try to start three months in advance. So, Jenelle, if she's onboard, Michael for sure, we'll work together, and we'll get something out to you way ahead of time, for sure.

DR. RAY: Okay. Thank you.

MS. AKINS: You're welcome.

MR. ACEVEDO: The next subcommittee and the designee is Robert Cook who is the subcommittee chair. It's on interagency/consultation process. The other designee members are Patricia Whitefoot, Wayne Newell, Alan Ray, Greg Anderson and Mary Jane Oatman-Wak Wak.

So with that, Robert.

MR. COOK: Interagency collaboration consultation process is just ensuring that those agencies, like the ones that we've been talking about, are continuing to network with each other and working in collaboration to ensure that all our students have access to an excellent education. The consultation process has been going on.

So I guess a big part of our committee's concern is ensuring, through the consultation process and through the interagency collaboration, that there is a transparent communication that goes down to the tribes and to the different individuals on what's happening so we know what the concerns are, what some of the issues so we can work in a proactive way to address some of those different concerns.

I do have a question, though. I know that we were told that there has to be a member from the Department of Education on the phone when we have these committee meetings. And I think one of the I mean, it's good that we're working together, but I think there needs to be a way that we can like if we wanted to have a regular set date, like the third Wednesday at 3:00, or whatever, for a monthly meeting of our subcommittee, I guess the concern would be ensuring that somebody from the office was on the call because we know how hectic it can get here in D.C. when you're called to other meetings or travel or whatever ensuring that we would continue to be able to work on our committee and what we need to do to get things done and not having to postpone our committee meetings because we weren't able to have somebody from the Department on the call with us.

So I just wanted to bring that up to ensure that there is a designee, a plan A, B, C, somebody that can be there on the calls so that we can move forward.

MS. AKINS: As usual, Robert, you're always on top of things. That was actually going to be my question at the end of everything, was there a way that the chairs and/or the councilmembers that were involved, would there be a regular schedule or something, because then it would help us all for better planning. Because, again, if Jenelle is here, if she's not available, then I could do it or if Jenelle can delegate someone. So we can make that happen. I don't think that should be a problem.

MR. YUDIN: Mr. Chairman, I was just wondering if it's possible because Robert chairs the subcommittee on interagency collaboration. I was wondering if I could ask actually for your subcommittee to make a specific recommendation to us. I actually engaged in a conversation with Lillian Sparks, for the Administration of Native Americans over at HHS, and they administer the Esther Martinez language program, which is about Native language preservation and restoration.

I'm not all that familiar with how the program operates, but I would love to seek your input on I've known her professionally for a number of years, so we both have expressed an interest in seeing how we could work together, but I would welcome the Council and the subcommittee's recommendations on how we can do that.

MS. AKINS: If we could funnel that to either Jenelle or the chair once the subcommittee makes its recommendations, that's why we'll be okay FACA-wise, rather than it coming directly to you from Robert.

Is that okay?

MR. YUDIN: Sure.

MS. AKINS: Okay.

MR. ACEVEDO: Thank you, Robert.

The OIE director opening committee, chaired by Deborah Jackson-Dennison as the subcommittee chair designee. The other committee members are Patricia Whitefoot, Robert Cook, Virginia Thomas, Sam McCracken and Robin Butterfield.

Deb?

MR. COOK: I have recused myself from that subcommittee.

MR. ACEVEDO: Okay. So noted for the record, that Robert has recused himself from that subcommittee.

DR. JACKSON-DENNISON: This is the director position.

Okay. Now, that Robert's out the door, for the record, we have had a couple of meetings via telephone with Jenelle present. And I think the first one with Michael and others, Alex present from

legal counsel. And it's been a very lengthy process, longer than we had anticipated, but I've learned that that's how things work. And I think Michael gave a pretty good update on where we are this morning, but I guess for the record, you can go ahead and expand on where we are as far as selection.

I believe he said we have 25 applications. I thought that was a pretty good number, considering the short time that we've advertised. And I know I've been actually talking about it out in the communities where I work and the network I have. So I hope that that's the case everywhere, and that we can get more applications.

We did designate Virginia to be the I forget what we call the yes, subject matter expert who will work closely with the Department and give input and look at the applications, and I guess screen them to that extent. And also, we were greatly involved with creating the questions to be used in the application process which we felt and were very thankful to the Department for including because we felt very strongly that that needed to be in place for the uniqueness of this position that we're looking at. So that's my report.

Michael, if you want to add anything to what

MR. ACEVEDO: Well, Deb, we're going to rely on you again one more time. The ESEA reauthorization subcommittee; Wayne Newell is the subcommittee designee chair, Patricia Whitefoot on the committee, Robin Butterfield and Deborah Jackson-Dennison. You're the only member here.

DR. JACKSON-DENNISON: And, unfortunately, we have not met, and I'm very concerned about this committee. I actually have not personally met Wayne Newell, and I think that's a very important committee. We might want to look at that committee and maybe reestablish committee members because I believe strongly that we're up against a timeline. And also, this committee should work closely with the annual report committee because there is a lot that goes into the reauthorization that we're making recommendations for so that's I have not yet a we have had not had a meeting.

MR. ACEVEDO: Thank you. I think that's certainly something I'll do the last one, and then we'll come back to the reauthorization subcommittee. And I look at the director and the folks there have done a good job there in finishing that up, so there may be some folks who want to consider taking a position on the ESEA reauthorization subcommittee.

With that, I will turn to the research subcommittee. We have had agreement here that Stacy Phelps, who was the designee subcommittee chair, will step aside and that Dr. Brown will assume that subcommittee chair as a designee. Mary Jane Oatman-Wak Wak is on the committee as well as Alyce Spotted Bear. I don't know if I want to if you have anything new since you've just been appointed or if Stacy wants to say anything, that you take your pick over there, you two.

MR. PHELPS: Mr. Chairman, I struggled with this. We have not met. I am really curious how this committee either is different or is in support of the annual reports committee or what the specific charge of this committee is.

MR. ACEVEDO: Jenelle?

MS. LEONARD: Let me just say, Stacy, that I was happy to see that the subcommittee had been formed because one of the things that we have heard, certainly in tribal consultation, is lack of data. And even when Peggy presented this morning, I think before she rose to speak, one of the things that she said, or somebody had said to me, was that we don't have a lot of evaluation or research going on, on Indian education.

So I think part of your responsibility let me just this is a suggestion is to begin to look at the data, certainly the kind that NCES shared with you, and, based on the data, to kind of make informed decisions about that will contribute to the recommendations, contribute to reauthorizations.

But also, we, the Department, need a lot of help, guidance, recommendations that would help us focus on research and evaluation. How do we go about looking and identifying best practices? How do we go about establishing communities of practice? How do we find data related to those projects that have been funded? I think you heard a lot of that in the course of the two days.

So I think we need a lot of help, and we need guidance from you to tell us or help direct us on what we should be doing.

MR. PHELPS: So it's not necessarily research to necessarily inform the committee's annual report but help to create some evaluative or some foundation of future projects or existing projects to inform that type of initiatives?

MR. YUDIN: If I may, I actually think it's both. I think you can use the data that's available out there now to make the bases for the recommendations in the report. But absolutely importantly, it is really important for us to get your recommendations on how to address this need.

DR. JOHN: Just a follow-up question. So is this, the evaluation of the research, in general, can we go on the Internet website and look for some exploring some projects that may be best model to consider?

MS. LEONARD: Not to answer your question directly but in a roundabout way, let me just say that if you look at the national activities, the set-aside I think is 3.18, 3.2 million, about that a year. And when you look at the language, it speaks specifically about research and collecting data on outcomes and progress of Indian ed students.

Now, we typically put a contract out to do this. But we haven't done any research evaluation really using those funds. So what we need would be for you to recommend or suggest to us what are the questions, what are the needs, what should we be doing with these funds. And if there's an evaluation component, what are we looking at, what should we be looking at. We need guidance from you to tell us as we propose new contracts, as we look at the funding that is set aside to do this kind of research, guide us in what we should be doing, what should we be looking at, how should we be spending that money.

MS. OATMAN-WAK WAK: I think it just goes back to that committee and really refocusing the congressional intent of our federally-funded Indian programs in doing the evaluation, and like you said, driving the research. If it's a cultural-language-based program, then the research should be or these

affect practices. And so I think we're going to be on the right step, but I see kind of the same concerns. There might be an impression that NACIE would not necessarily conduct the research ourselves but drive the research priorities.

MR. YUDIN: And it's the latter, just to be clear, because that was Dr. John's question. So it's not that you guys should be conducting the research because not that you can't but you have other things to probably do. And that's what we have the dollars to do. So it's really you making the recommendations on what we should be directing the dollars to go look at.

MR. COOK: For example, if we wanted to authorize the National Indian Education Study to go into higher grades and high schools, something like that, that would be recommendation on the research.

MS. LEONARD: I think the National Indian Ed Study comes out of a different pot of money, Robert. But you could make that recommendation, okay? So the National Indian Ed Study comes out of one pot, but these are the national activities fund, okay?

MR. MCCracken: So, ethically, I have a question for our counsel there. So we are working on a study that is -- if it's beneficial for me to be on this research committee, so ethically, through our N-7 fund, that is going to show the importance of physical activity and sport in a kid's life, so that grassroots community-based programs can use it as a template to go into look for funding, to help fund their programs outside of the funding we're already providing them. So as from a research factor, we're working with Brown University to actually do the research for us and work with schools, programs that are already out there that are going to then first announce and then publish this document.

Would it be from an ethics standpoint I'm talking about that because it's going to be driven by Nike is going to help fund the research, and we're going to use programs that we already give funds to.

Would that be inappropriate to use as part of the research committee to help that kid, and you go back to form that whole kid, because I think we have the educational math and reading stuff checked off here with all of our colleagues here, but just that piece from a research standpoint.

So I just question out to you guys. And if so, then I would volunteer myself to be on this subcommittee to provide that information to this committee to present back to you.

MR. YUDIN: Yes, I think we just have to go back and take it to the Office of the General Counsel, so we'll do that.

MR. ACEVEDO: Theresa.

DR. JOHN: So, as I'm thinking about this, I'm thinking about the discipline areas. Would that cover all the discipline areas we require our students to learn and have full depth understanding by the time they graduate high school?

MR. YUDIN: I think the answer is if that is your recommendation. You know what I mean? It's whatever the Council or the subcommittee determines are the areas that need to be looked at, need to be researched, and need to be evaluated, that's your determination, right?

DR. JOHN: Thank you.

DR. JACKSON-DENNISON: I'm wondering if the research committee's role might also include the data that supports the recommendations that we're making because I think that's very important now with the whole accountability and even though now it's flexibility, but accountability is still in place. And the certain recommendations that we're making that should be supported by data that the research committee can use to as these recommendations come forth to the Secretary, that's supported by research, why we're recommending, what we're recommending.

I don't know if I'm on the right track in that, but I'm thinking that's very important.

MS. OATMAN-WAK WAK: I have a question or a clarification about the role of I don't necessarily foresee that these committees will operate in silos. I'm just thinking of a high need with the research committee to collaborate with the interagency committee, because what if we have recommendations that are outside of the scope of the U.S. Department of Education that supports interagency consultation?

If we're going to address a very comprehensive approach at research needs, then what kind of I know maybe in the congressional report would be one thing, but we're kind of turf wars would we be indulging ourselves in if we're making recommendations to HHS about research needs for Indian students at the K scope?

MS. LEONARD: I am going to try to recall from memory what the charter says. If you were making a research-based recommendation that covered other federal agencies, then that would go in the report to Congress. I think in the charter it says that the recommendations to the Secretary are recommendations that are applicable to the education program that he oversees. I think there's some language in there like that. So I hope that partially answers your question.

MS. OATMAN-WAK WAK: It does. I knew in the congressional report that we had maybe a little bit more wiggle room than I was thinking, specifically with the charter --

MS. LEONARD: I think it's not only stated in the charter, but I think it's stated in the statute, too.

MR. COOK: But I think there's so many different issues that overlap with each other, too. For example, I think we need to have some type of committee that deals with higher education. That's a whole silo, I guess, within itself, is higher education, also early education. I mean, there are just so many different things. There's always going to be an overlap of what the committee does within to address all the different issues that face our K through 12 kids, whether they're our K through 16 or whatever, cradle through career or whatever.

How do we establish a new subcommittee or can we?

MS. LEONARD: And, Robert, to respond your comment, the Secretary does oversee the office of secondary ed, so K through 20 as well as vocational ed, adult ed, career ed, Safe and Drug Free. So there are even the research area as well. So I think you have a lot of latitude in terms of areas that you can cover by answering your question, establishing of a subcommittee.

MR. YUDIN: Can I actually just I'll just read actually. This is the language from the statute as well, but it's the charter. It says, "Advise the Secretary of Education concerning the funding and administration, including the development of regulations and administrative policies and practices, of any program, including any program established under Title VII of Part A of the ESEA with respect to which the Secretary has jurisdiction." So any program to which the Secretary has jurisdiction, and that includes Indian children and adults as participants or that may benefit Indian children or adults. That's the scope.

MS. AKINS: Mr. Chair, let me just follow up on one thing Jenelle said. While the Council does have a lot of latitude, just be sure again I'm the grim reaper in this part, I'm sorry. Keep in mind that while you're meeting outside of this open session, that you can't form the subcommittees in that manner. You'd have to wait until you have an actual open public meeting.

But what I'm thinking is because and I don't know which way you want to go with this, Mr. Chairman, because it seems like this is going to be dynamic rather than static. Maybe once the Council establishes in this open forum two or three of the ones we know we need now, maybe some of these things other folks are talking about could be maybe folded in, like somehow apply. But, again, I just want us to keep in mind that outside of this open session and, again, without a federal official, we can't establish the subcommittees until we come back together.

DR. JACKSON-DENNISON: Just to give a little bit of how this developed, we went off the subcommittees that were on the previous NACIE council. And there was between Thomas and I discussion that we would do that at some point, look at the possibility of what other subcommittees that are needed right now because these subcommittees were established prior not the people but the actual names of the committees. We're not even sure if the names should be the same, but that was the discussion that we did have when we moved forward in identifying who was going to be on what committee.

So I think that the time is appropriate, Mr. Chair, if we could go ahead and take Robert's recommendation of maybe looking at what other needs we have and what other subcommittees we have. But I also really want to emphasize that and I don't know if this is I guess I have a question about overlapping.

Is it possible that if I don't see that's the problem in education in general is that it's so fragmented, and we get into that fragmented thinking that, oh, well, that this person's responsibility when, in fact, they do all overlap across education.

So is there any problem with us if we're called into another subcommittee meeting if we're not identified as part of that subcommittee? Is that a problem?

MS. AKINS: I don't think so. I mean, it seems like there's a few folks that are on a couple of subcommittees anyway. Just the part I'm concerned about I guess if we think about it this way is just being as open and transparent as possible about the actual establishment of the subcommittees themselves.

I think this might tie into your bylaws. Maybe they might want to be more general where you say you'll establish four or five, maybe a general term form. I don't know. And, again, I haven't seen your bylaws, but I want us to be careful about that as well if we put that in the bylaws.

Again, it seems like this is more dynamic than static. Maybe we won't want to box ourselves in with just set (ph). I know there will be some overlap, and I think that's fine. But, yes, surely. And I think if I remember, Deborah, we already established the subcommittee for the director position from our first meeting. So if that's fine, I totally understand that.

DR. RAY: Mr. Chair, following up on that, substantive and a process comment. I have chatted with a few members, and I know Robert has this to heart. The higher ed subcommittee that existed on the previous NACIE, I think having that carried forward is a good idea myself, and I would volunteer to serve on that if one were put together, as I think maybe a few other people I've spoken to would as well.

On the process comment, I noticed probably three of these committees are going to be finishing up their work in pretty short order, and there will be some free hands and minds that might cycle on to a new committee, maybe the higher ed, maybe others.

Maybe the process point would be to direct ideas for new subcommittees that would have either immediate, short-term relevance in the next year, or maybe longer-term relevance, to the members through the chair, and make that an item for us to bring together on our agenda for our fall meeting. So by then, we will have collected one, we will have some idea which committees or subcommittees are cycling down. Second, we'll have an idea of what ideas for subcommittees are possibly rising up, and we could take up the issue of establishing some of those new subs with new membership at that time.

MS. AKINS: That sounds actually excellent, Dr. Ray, and in keeping with what we do with a lot of our committees. I'm just thinking about what Michael said. I'm getting to this part next, formulating this comment, that we also again, if a couple of subcommittees need to get together for any reason, again, be sure that we if we can set dates like Robert suggested, that'd be great so that us as staff can make sure we're with you.

But if we bring two subcommittees together to work together, as long as it's less than a quorum or eight members, we're fine. Once we get eight members on the phone, deliberating, doing discussions about official committee business, that constitutes a FACA meeting, and it'd have to be published in the Federal Register. So that's something to keep in mind.

DR. JOHN: I have a question. It seems we hear and we all understand that some of the subcommittees have overlapping framework there.

Will there be a possibility or is it possible to have joint subcommittee meetings if there's something that both subcommittees would like to really focus on developing something together or how does that work?

MS. AKINS: For me, the safest way to handle that, if it's something that could wait is possibly time on the agenda for your next meeting for the subcommittee groups to get together. But I'd really be careful about outside again because of openness and transparency with FACA. I'd be real cautious about the subcommittees getting together other than when we're having an open meeting, two groups.

There's ways we can work with you on that. I can work with Thomas, and we can talk to the general counsel. I mean, there's ways we can do it, but, again, we just have to be careful about two subcommittees coming together. I mean, the crux of all of this is we just don't want a group to come up with recommendations, make final decisions that the rest of the Council is not privy to. So that's really what it's about, and, again, it's part of the Federal Advisory Committee law that we have to follow.

MR. ACEVEDO: Thank you. Good advice, and as I look at it, it would be very easily we'd have a quorum of eight if we started to have a couple of subcommittees getting on the line together.

So what I'd like to do then is let's formally adopt the annual reports and charter review committee with the members as designated, Dr. Alan Ray as a subcommittee chair, Robin Butterfield, Alyce Spotted Bear and Stacy Phelps. And anyone else who would like to consider being a member right now, and then we'll call for a vote.

DR. JACKSON-DENNISON: Since my committee chair responsibilities are coming to a close, I'll volunteer to be a part of the annual report committee.

MR. ACEVEDO: Call for a motion for the adoption of the annual report charter review committee with the individuals listed.

MR. COOK: Motion.

MR. ACEVEDO: So moved by Robert.

Is there a second? Theresa?

MR. MCCracken: Second.

MR. ACEVEDO: Oh, Sam, so moved by Sam.

Any further discussion?

[No response.]

There being none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed?

[No response.]

Same sign? There being none, the motion is adopted.

The second subcommittee is bylaws and membership vacancies. It is probably I've really got to look to Mary Jane maybe or Greg to say something about whether or not we need is this a short-term or long-term that needs to be ongoing, Greg?

MR. ANDERSON: We did meet on the phone a couple of times, and we did submit a draft. I don't know where that is at, at this point, but we will probably need to review that before we make a decision. It needs more discussion.

MS. OATMAN-WAK WAK: And also, Greg, they wanted the clarification of the group, whether we see that as just our internal working bylaws or if that's bylaws that procedural bylaws just for our committee or whether or not we're looking to have them endorsed as well by the Department.

Jenelle, will you clarify what your your clarification question.

MS. AKINS: Greg, it was just more I didn't know if this was going to -- the bylaws were not only going to be operational, but some of the bylaws I've seen were to document your membership and terms. I've seen that.

Would you actually know these subcommittees or things like that? Would you want it to be signed by the Assistant Secretary? I just wanted sure what you all's thinking was along these lines. And I guess if possible, too, now that you're here, do some clarification on vacancies. I guess you're talking about your membership, which I think you're probably okay for now, but I'm not sure.

MR. ANDERSON: We have not discussed membership. What we were looking at was we reviewed the whole charter and looked at making changes. Now, the changes that we proposed would probably you would need to determine where it would need to go from there.

MS. AKINS: Now, I don't know if you were here for this part. I think I was addressing this to Dr. Ray earlier when we were talking about charter. The format and the language is pretty scripted out for us by way of the law and the format. It comes from a Committee Management Secretariat at GSA. So those wouldn't change.

Now, the Council could make recommendations. Typically, for our charters, especially those created by statute or executive order, when we renew them every two years, it would be either variable information that would change, and that's usually the cost estimate. If you have recommendations about staff, more or less, hopefully, this director position scenario will be resolved by the time well, October.

So just for me, I'm not sure how much the subcommittee could help with the charter itself. And, again, what I said to Dr. Ray is I need to take all of your comments about this subcommittee back to our general counsel's office, too.

MR. ACEVEDO: What I am hearing then, it sounds as if we still need that committee, so I recommend that we move forward with the bylaws membership vacancies subcommittee, Virginia Thomas as the subcommittee chair; the other two members being Mary Jane Oatman-Wak Wak and Greg Anderson.

And any other one anybody else who would like to be considered at this time? If not --

MS. OATMAN-WAK WAK: I just have a point of clarification for our DFO. On areas that we build into the bylaws with potential conflicts of the charter, so we have a situation right now that we have not addressed with a member that has not been able to make it to our first two meetings.

Can we provide recommendations on terms, on replacement, those kind of things? Because it's I don't see that we could, so

MS. AKINS: I mean, because you-all are appointed by the White House, that's probably like just not even I mean, because you do understand you are all serving at the pleasure of the administration for as long as we're here, this year, next year, four more years.

MS. OATMAN-WAK WAK: Yes.

MR. ACEVEDO: We'd like that in the record.

MR. ANDERSON: Karen, if you remember, during the last NACIE council, we had issues with the same subject where we had members who were appointed, but we never saw them.

MS. AKINS: Right, understand. And, thankfully, I definitely don't think we'll have trouble with that with this group. What we did and, again, we won't go back to last term, but the best we could do is I would always take that information back to the White House liaison. They met with the White House every week, and they work on boards and commissions. And I think even Kim, who was here earlier, this group has been pretty good about that, keeping them abreast of what's going on with all of our boards and commissions, including the presidential ones.

So the best I could do for that, if the chair's okay with that and Michael and Jenelle, we'd take that back to my office and present it. And then I don't know where it would go from there, but you could make a recommendation if you feel that that's necessary. But in terms of the Council actually enacting or doing anything, that's not going to happen.

MR. ACEVEDO: Look for a motion from the floor on the bylaws and membership vacancy committee and with the chair and the members as designated.

UNIDENTIFIED MALE: So moved.

MR. COOK: Seconded.

MR. ACEVEDO: Moved and seconded. Further discussion?

[No response.]

There being none, call for the question.

All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, motion is carried.

Next committee is the interagency consultation committee. This one based on previous discussion sounds like it is a long-term committee, and therefore, I would recommend that we move on it. Robert Cook, subcommittee chair; Patricia Whitefoot, Alan Ray, Gregory Anderson and Mary Jane Oatman-Wak Wak are the other members of the committee.

Discussion?

[No response.]

There being no further discussion, I'll ask for a motion from the floor as to the formation of this committee along with the designated members.

MS. SPOTTED BEAR: I so move.

MR. ACEVEDO: Moved by Alyce. Do I have a second?

DR. JACKSON-DENNISON: I second.

MR. ACEVEDO: Seconded by Debbie.

It's been moved and seconded. Any further discussion?

[No response.]

There being none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, motion carried.

The next committee is the business director opening committee. I believe the bulk of that work has been done. I'll ask Debbie whether or not she thinks it needs to be in existence for a longer term than the work it's done to date. And it was designated by our previous meeting in November.

DR. JACKSON-DENNISON: Yes, I think the bulk of the work is done. I think that the next step would be to I guess I don't know. I'll let Jenelle or Michael answer that.

MR. YUDIN: If I may, so one of the things that the proposal I had mentioned in my remarks earlier is that once the position closes, we could work with you to establish an interview process that meets your needs as well as the Assistant Secretary's. So going forward, that will still be on the agenda.

MR. ACEVEDO: With that understanding, it doesn't require further vote. We already have this committee established by the full council.

The next subcommittee is the ESEA reauthorization committee. I think we need to talk about this particular committee and its membership based on discussions. So the floor is open both for the designation of a subcommittee chair as well as volunteers to sit on the committee.

MR. OATMAN-WAK WAK: I guess I will have a couple of questions before we get into that whole structure. With the reauthorization committee, is that replicating or duplicating some of the work of the committee that's forming the annual report, or is this just specific to reauthorization that we would assist in drafting key policy recommendations to the Department of Ed specifically on reauthorization and then we have the annual report committee that can cover some of the more comprehensive areas?

MR. YUDIN: Unfortunately, I don't know if I have a clear answer for you, but I can give you some of my thoughts on it. And that is the report to Congress is due shortly, and you'll have that in. If in the event that we don't reauthorize in the next few months, it is possible we won't reauthorize this law for a couple of years.

If you asked me two years ago where we were with regards to policy and politics, we're in a very, very different place today. So who knows where we'll end up being at some point down the road? So my point is, is that reauthorization is incredibly dynamic, and who knows what's going to be and where it's going to be. And my second point is even if we do reauthorize, let's say we get it done in the next few months and it's sent to the President, there's a whole rack of implementation policies that need to be in place, and that's the reauthorization as well. That's actually our work, in fact. So if that's any use to you.

MS. OATMAN-WAK WAK: So I guess maybe another point of clarification question. Do we even have time as a reauthorization committee to effectively engage the template, blueprint, draft, whatever has been developed at this point? Because I'm sure there's a lot of things in the work. I've heard different folks have different versions floating around out there.

It's not even a question. It's just more of a

MR. YUDIN: Again, I think you create bites at the apple, right? You have your report to Congress that's coming out. Who knows again, if we're going to reauthorize? You know what? Everything is dynamic. Everything is changing. So, right, you want as many bites at the apple as you can get.

MS. OATMAN-WAK WAK: Okay. So then would the committee have the leisure of requesting the U.S. Department of Education's version of the policy to kind of vet through to see where we are in this? I mean, are our communities represented in it? Do we have strong enough language for consultation with the tribes, and is Title VIII going to be or is it even going to be Title programs? Is it going to be a complete new version? There's things I think that we don't know about the Department's stage in development of reauthorization.

MR. YUDIN: So that's a great question, and I can definitely get you a more definitive answer. But I can tell you now is we have provided technical assistance to the Hill with specific language. So that is our role is to provide technical assistance, but I can get you a better answer, a more complete answer.

MR. ACEVEDO: Let's go back to the efficacy then. I heard Mary Jane mention the timing of it, whether or not a subcommittee if we formed one could really have any impact. I mean, I heard the bites of the apple, but it seems to me the bite of the apple is our report to the Secretary and how he uses that effectively.

That's sort of the open question. Should we have a reauthorization subcommittee? Are there thoughts on that both from the Council as a whole and also from those of you in the Department?

DR. JACKSON-DENNISON: I think it's very important that we have this committee, but I also see the connection that Mary Jane's getting at with the annual report committee and that's why I chose to go with the annual report committee. It's so important to be involved with reauthorization, whether it's just taking bites of the apple or really being proactive in looking at legislation that would move forth in Indian Country.

I think it would be really wrong of us to not have this committee, but to understand that, as has been pointed out, it is a very slow process. I've been involved with the reauthorization committee on another board, and it's a long process. You come up with ideas, and you work at it and work at it and work at it. But it's important work, so I would strongly recommend that we have this reauthorization committee with the idea and that's why I asked that earlier about the overlap because I see this committee working very closely right now at this time with the annual report committee.

So I volunteer being a part of the I am on the reauthorization committee right now, but I just think that it needs to be a more closer connection with the annual report committee at this point in time.

MR. YUDIN: If I may just offer one more point for clarification, the report to Congress is a report to Congress, and they're the ones who are actually writing the legislation. Your recommendations to the Secretary on reauthorization is a different audience with a different constitutional role. So I think there's value in each.

MR. ACEVEDO: With that understood, I'm looking to see who we would have as the subcommittee chair.

Do I have a volunteer? If not, I'm going to designate one for the subcommittee.

MS. OATMAN-WAK WAK: You have a volunteer.

MR. ACEVEDO: Thank you very much. Accepted, accepted. The designated subcommittee chair is going to be Mary Jane. With that, here are the members of the committee, Mary Jane Oatman-Wak Wak as subcommittee chair, Wayne Newell, Patricia Whitefoot, Robin Butterfield and Deborah Jackson-Dennison as members of the reauthorization committee for ESEA.

Motion from the floor to authorize the committee and the members as designated?

Robert?

MR. COOK: I would like to volunteer to be on it, please.

MR. ACEVEDO: Robert, so added to that list.

Motion from the floor?

MR. PHELPS: Motion.

MS. SPOTTED BEAR: Second.

MR. ACEVEDO: Stacy, seconded by Alyce. Further discussion?

[No response.]

There being none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, motion carried.

What are we left with? Is it research? Have we discussed it? We've discussed it. We haven't adopted it, right? Any other discussion on the research committee? The present arrangement is for Stacy Phelps to be on the committee, Mary Jane Oatman-Wak Wak, Alyce Spotted Bear and Theresa John as the subcommittee chair.

MR. MCCracken: I am on the director hire subcommittee, and what it sounds like is our chair has said the majority of our work is completed, so I'd like to put my name forward as a member of the research committee and provide my area of expertise for that committee.

MR. ACEVEDO: Any other members or anyone else seeking membership? With that, call for the motion from the floor for establishing the research committee with Theresa John as the subcommittee chair, Stacy Phelps, Mary Jane Oatman-Wak Wak, Alyce Spotted Bear and Sam McCracken.

MR. COOK: Motion.

MR. ACEVEDO: Motion by Robert. Second?

MS. OATMAN-WAK WAK: Second.

MR. ACEVEDO: Second by Mary Jane. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, motion carried. Thank you. We have established the committee chairs.

The next item for action by all of you is you have the draft recommendations that you have already approved, and there are eight of them. It was handed out to you just at the start of this afternoon session. The floor is open. One is to look at those for clarification in the event that there was something in its translation that was not what you intended, but they are clearly already an action item of the full council. You've approved them.

I'm not sure that you need to do a whole lot of wordsmithing with those because we can certainly put those in Alan's group into a more definitive language. So I wouldn't exercise your minds too much on wordsmithing, just making sure that the content is there and that I think Alan and his subcommittee feels comfortable with that.

In addition, the floor is definitely open for other recommendations that we may want to give to Alan and his subcommittee for inclusion in the report to the Secretary.

Alan?

DR. RAY: Mr. Chair, I propose that we bring a motion forward that would address the issue of teaching indigenous languages to our entire tribal communities. And this motion would read in substance as follows: "That the government support indigenous language acquisition and proficiency by adult tribal members and continue to support language acquisition and proficiency by children through programs including but not limited to immersion schools."

I think the value of this is clear, that in order for our immersion schools you can take it either way, talking community or immersion. I think, though, it's important for our immersion schools to be successful, that we have tribal community members who are proficient, who are masters even or at least competent in our traditional languages. And I know speaking from my own experience, that often is not the case.

So this would emphasize that it's the whole community that must benefit from traditional language instruction, including but not limited to schoolchildren and including but not limited to programs including immersion schools.

MR. ACEVEDO: We have a motion on the floor. Do we have a second?

DR. JOHN: Second.

MR. ACEVEDO: Second by Theresa. Discussion? Jenelle?

MS. LEONARD: Mr. Chair, since we have Inez here recording, is it possible that we can get the recommendation repeated so that we could display it?

DR. RAY: If you're a quick typist, I will read it. It might be better than reading my handwriting. We'd be here a long time. The motion is that the government support indigenous language acquisition and proficiency by adult tribal members and continue to support language acquisition and proficiency by children through programs including but not limited to immersion schools. The second line, after acquisition, add "and proficiency." Thank you.

First line, "supports" instead of "support." No, I'm sorry. Strike that. It should be just support. Thanks.

MR. ACEVEDO: Any other discussion on this? Do we want to add a rationale statement?

DR. RAY: Yes, I could offer the following: That successful language acquisition and proficiency by children depends on a community of proficient language speakers in order to take hold and flourish. That successful language acquisition and proficiency by children depends on a community of proficient language speakers to take hold and flourish.

MR. ACEVEDO: Any further discussion on the recommendation that's been moved and seconded?

Debbie?

DR. JACKSON-DENNISON: I don't know if it would be added in the rationale area to this recommendation but and I know it's research based that many of our Native communities or Indian communities it's reflective in our test scores that our children are coming to the school systems right now not having a strong language background, whether it's English or their home language. And that's where this recommendation is very powerful and very much needed because that in itself is that's why I was asking that question to the data person this morning, is how much of it is attributed to the language acquisition at the the five-year-olds coming in today don't have a strong language background, period, whether it's in English because of the history of what has happened to our people.

So they're coming in way behind just with language acquisition. So in some sense, I know it's said there, but it's very general. And I guess it's where I'm coming from when I say that the research

committee could put some sort of research into why we're making these recommendations to make it more powerful.

I don't know if that's making sense, but that's where I'm coming from.

DR. RAY: Certainly, agreed.

MR. ACEVEDO: Rather than, as we mentioned, trying to wordsmith it, it gives Alan the sense that and I hear he understands that. So you can flesh that out in your draft.

DR. RAY: Will do.

MR. ACEVEDO: Okay. Robert?

MR. COOK: I absolutely agree with the recommendation, but I think in order to make it have more leverage, perhaps you could put on there the government supports and will fully fund indigenous because it's one thing to support it, but if it doesn't have funding to --

DR. RAY: Support and fully fund.

MR. COOK: To ensure funding by working with the various agencies or like for example, ANA is the one that maybe to put in the increased funding to ANA for the language immersion programs. It's a little bit more specific.

DR. RAY: I think expand funding sounds right to me. I don't know what others think.

MR. COOK: Expand funding rather than fully funding?

DR. RAY: Yes, expand funding. Fully, we could argue or they could argue when full is full.

MR. ACEVEDO: I recommend that we try not to wordsmith too much, so long as we get the gist of it. I think you're going to be here all day if you try to write the language specifically as they're going to do in the report. I'm trying to keep you on content so that we're able to get through this.

MR. COOK: But I think in the charter is one of the charges of the NACIE board is to recommend funding programs for the administration. So I think it's important that we add this language on there to clarify exactly what we mean.

MR. ACEVEDO: I listened a few minutes ago to what the charter is and the scope of the Secretary that we are sending this report to. It is to Education and not ANA.

Any further discussion?

[No response.]

Call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, the motion is carried.

Other recommendations from the floor?

MR. ANDERSON: I just had one on number 1, the recommendation where it says that O&M increase its coordination with the Bureau of Indian Education. We might put Bureau of Indian Affairs, O&M, right before O&M.

MR. YUDIN: What is O&M?

MR. ANDERSON: Operations and maintenance. The Bureau of Indian Affairs oversees the funding, but the responsibilities of the facilities is under BIE. There's different sets of money there, the Bureau of Indian Affairs.

MR. YUDIN: Can I ask a clarifying question, Mr. Chairman? So are these recommendations to inform the report to Congress, or are they to inform the Secretary or both?

MS. OATMAN-WAK WAK: I would just like to provide my suggestion that this one be the report to Congress because it's the most imminent deadline that we have.

MR. YUDIN: And the reason why I ask is because it does at least get back to -- because the report to Congress isn't necessarily restricted to the actions of the Secretary. It's the recommendations to the Secretary that might be.

MS. OATMAN-WAK WAK: And then I have a point of clarification on that.

When we do have those recommendations to the Secretary? If he's sending funds over to the Bureau of Indian Education, does he lose jurisdiction over that area?

MR. YUDIN: It depends on the statute and the provision of law so --

MS. OATMAN-WAK WAK: Maybe we should have a liaison from the general counsel here with us all the time. I mean, we have some very uncharted territory, I think, on some of the areas that we're proposing.

MR. ACEVEDO: Well, let me help Alan out. We just -- you just confused me. I thought we were doing the report to the Secretary, and now I'm hearing we're doing the report to Congress.

Alan, what's your understanding?

DR. RAY: My understanding of this was the report to Congress due June 1st.

MR. ACEVEDO: All right.

MS. SPOTTED BEAR: I have a recommendation.

MR. ACEVEDO: So recognized.

MS. SPOTTED BEAR: That the funding for TCUs remain intact and that the annual funding for the TCUs reflect the increasing student enrollment and other additional needs of the institutions. Oh, sorry. That the funding for TCUs remain intact and that the annual funding for the TCUs reflect the increasing student enrollment and other additional needs of the institutions.

MR. ACEVEDO: Alyce, you want to give us your rationale?

MS. SPOTTED BEAR: The rationale for that is that the tribal colleges and universities continue to grow annually and they have a changing student body, and funding from year to year needs to change to accommodate that growing student body and other needs that they have, too, as a result of the growth.

MR. ACEVEDO: We have a motion on the floor. Is there a second?

DR. JACKSON-DENNISON: I'll second.

MR. ACEVEDO: It's been seconded by Debbie.

Discussion? Alan?

DR. RAY: Yes, the question I have is the last clause, the last phrase in the first clause, "And have a changing student body." I'm a little unclear about what we're trying to say in that in terms of the rationale. You mean that they cycle through one year to another?

MS. SPOTTED BEAR: An increasing student body, I should say.

DR. RAY: Okay. Have an increase in numbers and in enrollment, right?

MS. SPOTTED BEAR: Uh-huh.

DR. RAY: And have an increase in enrollment or rather they continue to grow annually and increase in enrollment. I would suggest, "And increase in enrollment. They continue to grow annually and increase in enrollment." It's to grow and to increase. To increase in enrollment and to grow annually seems to be saying the same thing, isn't it?

MS. SPOTTED BEAR: Yes, it's redundant.

DR. RAY: Why don't we say to increase in enrollment, if that's okay? It's a little more specific to ed. And a comma instead of a semi-colon. How about needs to increase instead of to change? Thank you.

MR. ACEVEDO: Further discussion on the intent and rationale?

[No response.]

There being none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

There being none, motion carried.

Other recommendations? Debbie?

DR. JACKSON-DENNISON: I'm going to take a stab at this one, but I don't have anything written so I'm going to need some help here. And I brought it up briefly. It's recommendation that we look at that a review be done on the equalization of Impact Aid funding on the state of New Mexico, which greatly impacts student learning and student achievement of Indian students negatively which great impacts negative student learning and student achievement of Indian students.

MR. YUDIN: Can I ask a question?

DR. JACKSON-DENNISON: Sure.

MR. YUDIN: So are you recommending to Congress that they review it or that they do something?

DR. JACKSON-DENNISON: They do something about it, but I'm not sure if how to I guess that's where I say I need some help.

MS. OATMAN-WAK WAK: I would provide a recommendation that Impact Aid not be accounted as a program that is allowable to be equalized.

DR. JACKSON-DENNISON: There you go. So change the recommendation then. Put it more eloquently like you did.

MR. YUDIN: That would, however, impact other states as well. It's not just New Mexico that has an equalization formula.

MS. OATMAN WAK-WAK: I think that would through reauthorization, that might be one of those mechanisms for that Supreme Court decision on the impact of New Mexico.

DR. JACKSON-DENNISON: Okay. So we're wordsmithing this still. Recommendation would be then that the U.S. Department of Education disallow Impact Aid as a program eligible for equalization by a state disallow Impact Aid funding as a program to be to equalize to be used to equalize funding at the state level to be used to equalize state funding for education.

MR. YUDIN: May I make a suggestion? So I don't have the law with me, but maybe if this is a report to Congress, that they just actually delete the provision of law that allows and we can get back to find what that particular I just 800 but we can get the exact citation, but perhaps that's how you want to.

DR. JACKSON-DENNISON: It is 8009, Section 8009. You might want to put in parentheses “equalization” so it’s clear, “equalization of Impact Aid.”

MR. YUDIN: Maybe you can say repeal the equalization provisions of Section 8009.

DR. JACKSON-DENNISON: And then the rationale would be that I want to make it I don’t know specific to New Mexico. I know it’s probably there’s two other states involved, but New Mexico is the state that has the largest number of Native students that draw the Impact Aid funding, and they’re the state that I’m aiming at when I make this recommendation, when I’m bringing this forward. But

MS. LEONARD: Why don’t we just say states such as New Mexico?

DR. JACKSON-DENNISON: States such as New Mexico that serves large numbers of Native American or American Indian students what am I saying? Okay are negatively impacted by the equalization and it’s not the intent of it’s not right. Okay. There you go.

[Discussion off microphone.]

DR. JACKSON-DENNISON: Right.

DR. RAY: Do we need to say why they’re negatively impacted in the rationale, have a because?

DR. JACKSON-DENNISON: They are negatively impacted. If you looked at the data from this morning, it shows the big, big gaps. Is that what you’re asking?

DR. RAY: I don’t argue the point. I’m just saying the reader wouldn’t understand why they’re negatively impacted if they read the rationale.

DR. JACKSON-DENNISON: Okay. Academically, it could be as indicated by the what’s the report called that we saw this morning? Indian education what was it called? Indian education what was that report called? Study of National Indian --

DR. RAY: 2009 or something like that, the 2009 National Indian Education Study.

Thanks. I think that makes it stronger.

DR. JACKSON-DENNISON: And, also, it defeats the intent of the legislation established for Impact Aid.

MR. ACEVEDO: Discussion? I don’t have a motion. Sorry. That’s the motion.

Do I have a second?

MS. OATMAN-WAK WAK: Oh, wait. Before we actually add that on there, I was wondering if it would ever be open to after the “defeats the intent of the legislation which established Impact Aid” and the “intended beneficiaries are not receiving” are not receiving, yes; are not receiving funding.

MS. SPOTTED BEAR: That colon, if you would put a colon there, that’d be okay, too.

DR. RAY: Do we want to say “because the intended beneficiaries” instead of “and”? How about a period after the parenthetical and then start a new sentence with “this defeats”?

MR. ACEVEDO: I have a motion on the floor. Do I have a second?

MS. SPOTTED BEAR: I’ll second.

MR. ACEVEDO: Seconded by Alyce.

Further discussion?

[No response.]

Hearing none, call for the question.

All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

There being none, the motion is carried.

Other recommendations? Robert?

MR. COOK: I think it’s I probably need some help with this, I’m sure, but I think the real concern, too, is the health, wellness and safety of our Native children in school, too. And the result of the impact that the lack of physical education programs, programs that promote the just the intervention programs for many of our children who do face Type 2 diabetes and other health-related issues. I mean, you can’t reach kids if they’re not in school if they’re sick.

So I’m not really sure, but maybe a recommendation that the Department works with school serving a significant number of Native children to implement physical education programs to combat the onslaught of diseases such as diabetes and other health-related issues, something like that.

MR. MCCracken: Also, Michael, just in the efforts of trying to draft this and I know that we have 21st Century Program, and you highlight some great partnerships that are out there and I know work. But realistically, I think where Robert and I had the conversation was knowing that physical education is an optional part of a kid’s life and knowing that the future of our culture relies on the health and wellbeing of our youth.

I don’t know how often you’re out in our communities, but I’m there all the time. And when you talk about youth obesity in our communities, we’re four to five times higher than the average population. When you talk about Type 2 diabetes, there’s more pre-Type 2 diabetics in Native

communities with our youth ages we're going to go down to probably 10 to 15, which is obviously very scary for us because that's our future.

So I want to make sure that we're crafting something that and I know you're more of an expert and we're representing the Department of Education here. And I understand health is we have IHS and we have other things, but I want to make sure we're crafting something that is recommending that not only Congress but the Secretary knows that physical education of this population is crucial to the future of our people.

MR. YUDIN: So you want am I accurate in saying that you want to put some more teeth into a proposal than our proposal in the blueprint?

MR. MCCracken: Well, I just know that when Robert I was talking to Robert. When he mentions that his high school son hasn't had PE ever in high school and his grammar school son has had eight weeks of optional physical education delivered by the school and then not have it anymore, and is already being diagnosed as being pre-diabetic, how do we language that so that it's not I know you can't never make it not optional.

We have, I believe, an understanding of the school structure, and I look to my colleagues here to really BIE, I think it's much more controllable because then you're impacting all Native students in those 180 schools. When you get into the other 90 percent, you're dealing with the general population as well as our own kids, but, still, I know that this is going to be a challenge.

MR. YUDIN: So just hypothetically, if you wanted to require a district to take on a particular activity, so if you have school districts that receive Title I funding and serve large portions of Native American children, just develop a plan to ensure that I mean, that's a way to do it, right, to build teeth? If you want your Title I money, you got to have a plan.

MR. COOK: The U.S. Department of Education

MR. YUDIN: Or Title VII or right, Title VII as well. Title I is the ultimate lever, but Title VII is a good one as well.

MR. COOK: The U.S. Department of Education will mandate that all schools receiving Title VII, Title I funding implement a health education program to combat the onslaught of childhood health-related issues such as diabetes and others, something like that?

MR. YUDIN: It's not the U.S. Department. It would be the statute.

MR. COOK: So we can't say the U.S. Department will mandate. We'd have to say --

MR. YUDIN: Not without the statute, you couldn't.

[Discussion off microphone.]

MR. COOK: Just erase that and put Congress will mandate that all schools can you do that? This is going to Congress?

MR. YUDIN: That the reauthorization shall include a requirement that --

MR. COOK: That the reauthorization of ESEA will have a requirement that mandates all schools receiving Title I and Title VII funds all schools all school districts receiving Title I, Title VII funding and serving a significant number of Native children have physical education

MR. MCCracken: Physical education curriculum in place because then it goes back I believe if you use the word "education," it becomes the responsibility of the school. If you use the word "physical activity" or "physical wellbeing," it falls into the they can easily pawn it off to the health corporation.

MR. YUDIN: I would not use the word "curriculum." That would just be a flag for problems.

MR. MCCracken: Okay. That's why I'm --

MR. YUDIN: Program or activities in place.

MR. COOK: I think the rationale should just simply state the crisis that we're facing in Indian Country with the onslaught of childhood Type 2 diabetes and other health-related issues.

MR. MCCracken: I think you could just lean on the statistics that the First Lady uses around Let's Move, right? If you want to throw that the Let's Move campaign exists for a reason. They didn't just pick it just to pick something. It exists for a reason. I think the statistics in there are going to call that's the call to action for all. That's the rationale. The call to action --

MR. YUDIN: Right. So can we use as a placeholder to take language from Let's Move in Indian Country --

MR. MCCracken: It's already there, right?

MR. YUDIN: Exactly.

MR. MCCracken: There's no use to us trying to figure out it's not broke.

MR. YUDIN: That's right. I have a suggestion for language in the recommendation. Instead of just "that have a physical education program in place," that should be a little bit more specific because they could just end up saying, all right, my program is one hour of phys ed a month. So you may want to build some parameters into that, not get overly prescriptive, but you may want to think about what are those the types of activities or the amount or --

MR. MCCracken: So I would look to my educational experts who work in the educational field and lean on them to like Debbie who is a school superintendent, what would be a comfortable requirement for one of your schools to incorporate physical activity into their life? Because he wants a little bit more meat on the bone, so knowing what a school because I don't work in a school -- what would be a comfortable or legitimate request of them to incorporate in?

MR. YUDIN: One suggestion you could do is I'm sorry, Debbie. Maybe you just even have more like a have a rigorous physical education program in place. That at least would then promote some intent that it's not just an existing one.

DR. JACKSON-DENNISON: I see the opportunity to add something because I know in all Native communities, it's culturally relevant to have to be physically fit, so being able to pull that into it would be very appropriate here as either under the rationale or as a superintendent. You're asking me for my input. That would be where I would stress the cultural relevancy to be, because diabetes and all these health issues were not part of our culture historically, but they became a part after years of fried bread and mutton stew.

DR. RAY: Instead of "in place," maybe something along the lines of "to make them strong and healthy." Because healthy also then extends to their emotional wellbeing as well, spiritual wellbeing.

MR. ACEVEDO: I have a motion on the floor. Do I have a second?

MR. YUDIN: I would suggest maybe taking serving a significant number and I defer to Jenelle, but serving a significant number of AI children, that should go to the Title I. That should attach to the districts receiving Title I. Because you want all Title VII districts to have it, but you want those Title I receiving districts that have large Native American student populations to do it.

MR. COOK: If we put Title I, then we could also add Native Hawaiians. So you put slash, Native Hawaiians, NH.

MR. YUDIN: Are they included in the definition, the Native Hawaiian are included in the AI definition? No?

MR. COOK: No. It would be separate.

MS. OATMAN-WAK WAK: I was just going to make a friendly amendment suggestion. Just on the end, have a rigorous physical education program to address the holistic needs of Native children, to address the holistic needs of Native children. I just said of Native children, like what you said, referring to the above mentioned.

MR. YUDIN: If I may, just to raise a point, that is somewhat different than Robert's statement which was that kids needs to be healthy in order to learn, and this is just a little different outcome. So I'm just raising that.

MR. COOK: Research shows that increased access to physical education increased academic achievement or something like that.

MR. YUDIN: Or to ensure that children are healthy and have the best opportunities for learning.

MR. COOK: That access to physical education increases academic achievement and learning.

MS. OATMAN-WAK WAK: One more recommendation to strike holistic and add health.

DR. JOHN: What about the wellbeing or is that too general?

MS. OATMAN-WAK WAK: Health and wellbeing, yes. Strike “need.”

MR. ACEVEDO: I have a motion on the floor. Do I have a second?

UNIDENTIFIED MALE: Motion.

MR. ACEVEDO: Second.

MR. COOK: Second.

MR. ACEVEDO: Further discussion?

MR. PHELPS: Could I ask, would you want to expand this yet even more and say rigorous health and physical education because --

[Comment off microphone.]

MR. PHELPS: But isn't it true that if you don't teach, like, healthy eating and all these other things that physical I mean, you have a lot of football players who are 500 pounds and diabetic now because they ate unhealthy to be large --

MR. COOK: Health, slash, physical education programs.

MS. OATMAN-WAK WAK: One more recommendation, at the very end to address the health and wellbeing of AI and NH children to increase academic achievement and learning. And strike out “the research shows that” unless we're going to cite specific research.

[Comment off microphone.]

Yes, move the rationale section of increased academic achievement and learning.

MR. YUDIN: And I would put an “and” in front of it.

MS. OATMAN-WAK WAK: And increased yes. And then strike “the research shows” that section.

MR. ACEVEDO: Further discussion?

DR. RAY: Could we say instead of to address, to promote or to advance? How about to advance instead of just addressing it?

MR. ACEVEDO: Any other comments? We did receive a second on this, didn't we?

Yes, it's been moved and seconded. No further discussion. Call for the question.

All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign?

[No response.]

There being none, motion carried.

Other recommendations, number 13, scary.

MR. COOK: I think it's important to have a recommendation in here to support TEDNA's request to be recognized in the reauthorization and also to honor their request. That goes in line with NIEA and NACIE all supporting TEDNA in their movement to become to have that self-determination and empowerment.

So maybe my colleagues could help me with tribal education departments. To allow tribal education departments or TEDs, slash, TEAs to be eligible for state level formula funding and authorizing tribal state cooperative agreements to co administer the ESEA programs and services within tribal geographic territories.

Does anybody have anything else to add to this from what you heard? And to authorize.

MS. OATMAN-WAK WAK: I will second that or motion.

MR. ACEVEDO: It's been motioned by Robert, seconded by Mary Jane.

Is there a rationale now?

MR. COOK: Perhaps we could put TEDs/TEAs coordinate all education matters of a tribe on or off Indian geographic territories wherever tribal members are located to provide education support, programs and services. To provide education support, programs and services.

I'd like to refer to my colleagues for any other additions that needs to be on there.

MS. OATMAN-WAK WAK: I would add that this recommendation is consistent with the furtherance of the trust relationship between the federal government and the tribes.

MR. COOK: Do we need to also put in there that the tribal education departments actually need to be recognized with the reauthorization of ESEA, or is that going to be okay?

MS. OATMAN-WAK WAK: I think you're right, maybe as the front end of that recommendation.

MR. COOK: The recommendation that the reauthorization of ESEA recognizes TEDs as the on the same level as the SEAs or LEAs.

MS. THOMAS: Mr. Chair, just a point of order. We've got two members, and I have to leave. And she wants to put a recommendation on record. So can we put this on hold and let her do hers before she has to run off?

MR. ACEVEDO: This one is on the floor, so we have to take action on this one. Sorry.

MR. COOK: That maybe that the reauthorization of ESEA recognize on the same level as SEA. And then strike the semi-colon and “therefore,” and just say “and allow or to allow” wait, now. And allow, and allow.

DR. RAY: Just an interjection to say, thank you all so much for the privilege of working with you the last two days. The airport is calling. Thanks.

MS. THOMAS: I want to call for a vote then.

MR. ACEVEDO: Any further discussion?

[No response.]

There being none, I call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

There being none, motion is carried.

We still have a quorum? All right. Recommendation?

DR. JOHN: Just one more. I would like to recommend to create and implement culturally relevant state standards. And my rationale would be these would be critical tools for indigenous teacher professional development as well as student achievement and performance outcomes. These would be relevant tools for indigenous teacher professional development and student achievement performance outcomes.

I need help with the verbiage. I don’t know if you agree with this recommendation or not. I feel that we need to set some standards that are culturally relevant for our Native teachers that are working with the language and the culture, development.

MS. OATMAN-WAK WAK: I think that we would possibly foresee some issues with this one because Congress does not impose any state standards or assist in the development or legislation of state standards. And then the common core state standards is not national standards. It’s being driven by CCSSO and NGA, so I’m not sure if this one would be a little bit out of order with the use of the creation and implementation of state standards because that’s way out of the purview.

DR. JOHN: Okay. Thank you for that clarification. Then disregard that.

MR. ACEVEDO: You withdraw the motion or are you --

MR. PHELPS: Could you change it to ensure that the national core standards because there’s that 15 percent that Virginia?

MS. THOMAS: It'd be just a consideration of the cultural relevancy within the state standards. We're not telling them to create it, but that we would like the consideration for it.

MS. OATMAN-WAK WAK: We will have to reference them in the creation of the common core state standards. They're not national standards. They're common state standards.

MR. ACEVEDO: The question I have is who is supposed to consider it.

MS. OATMAN-WAK WAK: Slash, NGA. Oh, it's SS, sorry. CCSSO and assessments, common core state standards and assessments.

MR. ACEVEDO: Other changes?

[No response.]

I have a motion on the floor for Recommendation number 14. Do we have a second?

MS. THOMAS: Second.

MR. ACEVEDO: Moved and seconded. Virginia seconded it.

Further discussion?

[No response.]

Hearing none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

Hearing none, motion carried.

Any other recommendations?

MS. OATMAN-WAK WAK: I have one more while we still have a quorum. I'm hoping that we can maybe just vote on it without having to have it all typed up, and it's specifically a recommendation under number 8, to do some development on that work there; that for distribution of Race to the Top funds, tribes, consortium of tribes and the BIE. And then a second recommendation under that same Race to the Top recommendation by a whole new recommendation section.

MR. ACEVEDO: We need to take action on that because you're asking for a change --

MS. OATMAN-WAK WAK: For the whole section.

MR. ACEVEDO: Okay. All right.

MS. OATMAN-WAK WAK: For the whole section. So it would be a second recommendation under Race to the Top.

MR. ACEVEDO: It's still number 8?

MS. OATMAN-WAK WAK: Still number 8 and the language is: We propose that to be eligible under this program, a state that has the presence of federally- or state-recognized tribes must demonstrate that they have conducted meaningful consultation in the development of their application with the tribes.

The rationale section for that second portion: The U.S. has a unique legal relationship with Indian tribal governments as set forth in the U.S. Constitution, treaties, statutes, executive orders and court decisions. Since the formation of the union, the U.S. has recognized it might be a little educational might be an education lesson for some. Since the formation of the union, the U.S. has recognized the Indian tribes as domestic dependent nations under its protection. The federal government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes. This eligibility requirement is consistent with and in furtherance of that relationship.

This language actually came from the U.S. Department of Education's consultation policy.

MR. COOK: I think, too, where you have that they must demonstrate they have conducted meaningful consultation, I think maybe add "support," add "and support." Because you can consult, but you may listen to them and do what you do anyway.

MS. THOMAS: I also would add to that back before the rationale when it says "conducted meaningful consultation," I agree with you. There should be more to that, and maybe the follow-through because there's nothing that says "follow-through" on there. They can conduct it. They don't have to do anything with it. So if we said that there has to be a follow-through either back to the tribes or it's being forwarded, something else has to be added to it.

MS. OATMAN-WAK WAK: Oh, that's right. I did have something. Have conducted meaningful consultation in the development of their application in the development I'm thinking something to do with assurances, but I don't even know if it's on that end or if that would be maybe some of the other regulatory language that would be created afterwards.

That's all I got, guys. I'm done.

MS. THOMAS: They had to have conducted meaningful consultation and somehow use this information in the development of. Yes, that's good, yes.

[Comment off microphone.]

MR. ACEVEDO: There is a motion on the floor by Mary Jane on changing the rationale for item 8 that was previously enacted by the full council.

Is there a second to this?

DR. JACKSON-DENNISON: I'll second.

MR. ACEVEDO: It's been seconded by Debbie. Further discussion?

[No response.]

There being none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

There being none, motion carried.

Before we lose our quorum, any other recommendations? Robert?

MR. COOK: I think this brings up a real good one, too, for another recommendation, and that is just to continue on with the collaboration and with the consultation because yes, I don't know what the process is for disseminating that information back to the people so we can hold them accountable. To ensure that the ensure that the intergovernmental agencies that have held meaningful consultations with tribal nations have a process that disseminates or what that disseminates the information gathered, yes to ensure that there is accountability for purposes yes, to ensure that there is --

[Comment off microphone.]

And I think, too, that we have to make sure that those other agencies hold their consultations because there's just been a few of them that have done it. Like, the DOE's done a good job. IHS is doing a good job. But have the other ones like Department of Labor, other ones? So that have held or will hold could we put on there, "In fulfillment of the executive order" what is it, 1380 "that all government agencies must" --

[Comment off microphone.]

Yes.

MR. ANDERSON: As a result of Executive Order 13175, consultation and coordination with Indian tribal governments, we're required to develop --

MR. ACEVEDO: You have to just cite the executive order. That will cover it, right.

[Comment off microphone.]

MR. COOK: And then just strike out "the inter" and just have government agencies. Take out "inter," government agencies.

[Discussion off microphone.]

MR. COOK: Because we said so.

MR. ACEVEDO: It must be getting towards the end of the day. Leave that in there and see what Alan says.

MS. SPOTTED BEAR: What about putting “for purposes of accountability and in fulfillment?” Yes, and then just take it off at the end.

MR. ACEVEDO: Rationale?

MS. OATMAN-WAK WAK: The recommendation kind of is self-explanatory on the rationale, in my opinion.

MR. COOK: To ensure that the tribes to ensure that the federal government and the tribes work together in fulfillment of the treaty trust relationship.

MR. ACEVEDO: Robert, I think Greg has an excellent one, the last sentence of an EO will work for the rationale.

Further discussion?

[No response.]

I have a motion on the floor. Do I have a second?

MS. SPOTTED BEAR: Second.

MR. ACEVEDO: Seconded by Alyce. Further discussion?

[No response.]

Hearing none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

There being none, motion carried.

MS. OATMAN-WAK WAK: I have one more quick recommendation. I think it should be fairly quick. I’m trying to get it out real quick. To encourage the U.S. Department of Education and the U.S. Department of Justice to conduct joint listening sessions in Indian Country to address school discipline disparities and the school to prison pipeline that exists in Indian Country. And the rationale is, say, our data.

MR. COOK: Instead of “that exists in Indian Country,” maybe that significantly affects or that disproportionately affects Native students because that’s both public and tribal.

MS. OATMAN-WAK WAK: Good point. And the rationale is disproportionate dropout rates and incarceration rates of American Indian, Alaskan Native children. Disproportionate dropout and incarceration rates of AI and AN children.

Can you guys help me out with the end?

MR. ACEVEDO: I think if you just put at the start of instead of just -- disproportionate dropout and incarceration rates of American Indian children.

MS. OATMAN-WAK WAK: That seriously affect Indian Country. That's it. Adversely affect, yes.

MR. ACEVEDO: Do I have a second?

MR. COOK: Second.

MR. ACEVEDO: It's been moved and seconded. Mary Jane was the motion, and Robert seconded.

Further discussion?

[No response.]

Hearing none, call for the question. All those in favor of the motion, signify by saying aye.

[Chorus of ayes.]

Those opposed, same sign.

[No response.]

Hearing none, the motion is carried.

Do we still have a quorum? Well, I need a motion to adjourn then as we -- you're losing --

MS. AKINS: It's an opportunity to do this either is that right, Mr. Chairman, because you have the subcommittee? Maybe folks can write the chairperson or send things to Jenelle. So this will be --

MR. ACEVEDO: All right. I don't know if we need to accept it all. You've all passed each one of those individually.

MS. AKINS: Well, the transcriber has been keeping track of all who's been saying what, I'm pretty sure.

MR. ACEVEDO: All right. Before you leave, don't leave it. We need a motion to adjourn while we have a quorum.

MS. AKINS: Oh, and one last thing, if you want your packets mailed, Brandon said please make sure that you have your notebook in front of your tent card. We have your addresses, and we'll make sure your packets get mailed back. And thank you.

MR. ACEVEDO: Hang on. Do we have a motion to adjourn?

UNIDENTIFIED SPEAKER: Motion.

MR. ACEVEDO: Second?

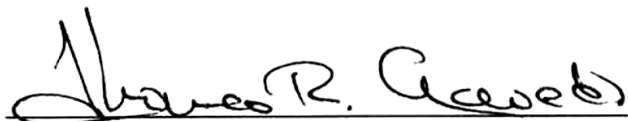
MR. COOK: Second.

MR. ACEVEDO: All those in favor, signify by saying aye.

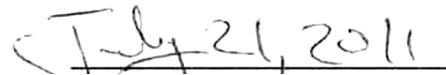
[Chorus of ayes.]

(Whereupon, at 4:28 p.m., the meeting was adjourned.)

I certify the accuracy of these minutes.

A handwritten signature in black ink, appearing to read "Thomas R. Acevedo", written over a horizontal line.

Thomas Acevedo, Chair

A handwritten date in black ink, "July 21, 2011", written over a horizontal line.

Date

CERTIFICATE OF REPORTER

CERTIFICATE OF NOTARY PUBLIC

I, JEFFREY MICKLE, the officer before whom the foregoing meeting was taken, do hereby certify that the testimony appearing in the foregoing meeting was taken by me in stenotype and thereafter reduced to typewriting by me; that said transcription is a true record of the proceedings; that I am neither council for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not relative or employee of any council or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

JEFFREY MICKLE

Notary Public in and for the

District of Columbia

CERTIFICATE OF REPORTER

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I, ROBIN E. BOGGESS, the officer before whom

the foregoing meeting was taken, do hereby certify that the testimony that appears in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said meeting is a true record of the proceedings; that I am neither counsel for, related to, nor employed by and of the parties to the action in which this testimony was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

ROBIN E. BOGGESS

Notary Public in and for the

District of Columbia